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LABOR AND INDUSTRIES, DEPARTMENT OF

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Chapter 296-13 WAC

PRACTICE AND PROCEDURE—ELECTRICAL BOARD

WAC

296-13-001 through 296-13-440 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-13-001 Foreword. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-001, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-001, filed 8/27/84; Foreword, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-010 Definitions. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-010, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-010, filed 8/27/84; Definitions, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-020 Officers. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-020, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-020, filed 8/27/84; § I, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-030 Internal management. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-030, filed 8/27/84; § II, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-035 Dates of meetings. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-035, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-035, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-040 Duties of the board. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-040, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-040, filed 8/27/84; § III, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-050 Hearings. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-050, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-050, filed 8/27/84; § IV, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-052 Hearing before administrative law judge or a board member. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-052, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-053 Appeal of proposed decision to board. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-053, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-055 Quorum. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-055, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-057 Place and time of filing. [Statutory Authority: RCW 19.28.060. 88-16-002 (Order 88-15), § 296-13-057, filed 7/21/88. Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-057, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-060 Appearance and practice before board. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-060, filed 8/27/84; § V, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-080 Standards of ethical conduct. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-080, filed 8/27/84; § VII, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-090 Appearance by former employee. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-090, filed 8/27/84; § VIII, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-100 Former employee as expert witness. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-100, filed 8/27/84; § IX, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-110 Computation of time. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-110, filed 8/27/84; § X, filed 10/15/65.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-130 Notice and opportunity for hearing. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-130, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-140 Service of process—By whom served. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-140, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-150 Service of process—Upon whom served. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-150, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-160 Service of process upon parties. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-160, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-170 Method of service of process. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-170, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-180 When service of process is complete. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-180, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory

Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-190 Subpoenas. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-190, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-200 Subpoenas—Service and fees. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-200, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-210 Quashing of subpoenas. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-210, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-220 Enforcement of subpoenas. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-220, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-230 Right to take depositions and interrogatories in contested cases. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-230, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-240 Officer before whom depositions are taken. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-240, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-250 Notice of depositions. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-250, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-260 Depositions and interrogatories in contested cases—Protection of parties and deponents. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-260, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-270 Oral examination and cross-examination in depositions. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-270, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-280 Recording of depositions. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-280, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-290 Depositions in contested cases—Signing attestation and return. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-290, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-300 Use and effect of depositions. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-300, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-310 Fees of deponents. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-310, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-320 Submission of interrogatories. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-320, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-330 Attestation and return of interrogatories. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-330, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-340 Official notice—Matters of law. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-340, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-350 Official notice—Material facts. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-

16), § 296-13-350, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-360 Presumptions. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-360, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-370 Stipulations and admissions of record. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-370, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-380 Form and content of board decisions in contested cases. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-380, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-390 Definition of issues before hearing. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-390, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-400 Prehearing conference. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-400, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-410 Submission of documentary evidence in advance. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-410, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-420 Continuances. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-420, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-430 Rules of evidence—Admissibility criteria. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-430, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-13-440 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Statutory Authority: RCW 19.28.123 and 19.28.590. 84-18-009 (Order 84-16), § 296-13-440, filed 8/27/84.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

WAC 296-13-001 through 296-13-440 Repealed. See Disposition Table at beginning of this chapter.

Chapter 296-14 WAC
INDUSTRIAL INSURANCE

WAC

296-14-310 When does a presumption of occupational disease for fire fighters apply?
296-14-315 Definitions.
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296-14-524 How do I determine whether an employer provided benefit qualifies as "consideration of like nature" to board, housing and fuel?
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296-14-528 How do I determine the value of a benefit that qualifies as "consideration of like nature"?
296-14-530 Is overtime considered in calculating the worker's monthly wage?

WAC 296-14-310 When does a presumption of occupational disease for fire fighters apply? RCW 51.32.185 specifies a presumption that certain medical conditions are occupational diseases for fire fighters. Those conditions are heart problems experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances; respiratory disease; specific cancers as defined by RCW 51.32.185; and infectious diseases as defined by RCW 51.32.185.

For claims filed on or after July 1, 2003, the presumption may not apply to heart or lung conditions if a fire fighter is a user of tobacco products.

When the presumption does not apply, the claim is not automatically denied. However, the burden is on the worker to prove that the condition is an occupational disease.

[Statutory Authority: RCW 51.04.020, 51.32.185. 03-12-046, § 296-14-310, filed 5/30/03, effective 7/1/03.]

WAC 296-14-315 Definitions. (1) **Tobacco products:** For purposes of this rule, tobacco products are limited to those that are smoked, including cigarettes, pipes and cigars.

(2) **User of tobacco products:** For the purposes of this rule, a user of tobacco products is a "smoker."

(3) **Current smoker:** A current smoker is a regular user of tobacco products, has smoked tobacco products at least one hundred times in his/her lifetime, and as of the date of manifestation did smoke tobacco products at least some days.

(4) **Former smoker:** A former smoker has a history of tobacco use, has smoked tobacco products at least one hundred times in his/her lifetime, but as of the date of manifestation did not smoke tobacco products.

[Statutory Authority: RCW 51.04.020, 51.32.185. 03-12-046, § 296-14-315, filed 5/30/03, effective 7/1/03.]

WAC 296-14-320 Does the presumption apply to current smokers with heart or lung conditions? No. The presumption never applies to current smokers with heart or lung conditions.

[Statutory Authority: RCW 51.04.020, 51.32.185. 03-12-046, § 296-14-320, filed 5/30/03, effective 7/1/03.]

WAC 296-14-325 When does the presumption apply to former smokers with heart or lung conditions? (1) **Heart problems:** The presumption for heart problems will apply if a fire fighter is a former smoker and last smoked two years or more prior to the cardiac event.

(2) **Lung conditions:** The presumption for lung conditions will apply:

(a) For **asthma** if the fire fighter is a former smoker who last smoked five years or more prior to the date of manifestation of the disease; or

(b) For **COPD/emphysema/chronic bronchitis** if the fire fighter is a former smoker who last smoked fifteen years or more prior to the date of manifestation of the disease; or

(c) For **lung cancer** if the fire fighter is a former smoker who last smoked fifteen years or more prior to the date of manifestation of the disease.

[Statutory Authority: RCW 51.04.020, 51.32.185. 03-12-046, § 296-14-325, filed 5/30/03, effective 7/1/03.]

WAC 296-14-330 What tobacco use shall exclude a fire fighter from a presumption of coverage? The following table summarizes the situations listed in WAC 296-14-310 through 296-14-325 under which a presumption of coverage shall or shall not apply for fire fighters due to tobacco use.

Medical condition	Presumptions shall not apply	Presumption shall apply
Heart problems experienced within seventy-two hours of exposure to smoke, fumes, or toxic substance	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than two years prior to the cardiac event	Former smoker who last smoked two years or more prior to the cardiac event
Asthma	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than five years before date of manifestation of the disease	Former smoker who last smoked five years or more before date of manifestation of the disease
COPD/emphysema/chronic bronchitis	Current smoker	Fire fighters that never smoked tobacco
	Former smoker who last smoked less than fifteen years before date of manifestation of the disease	Former smoker who last smoked fifteen years or more before date of manifestation of the disease
Lung cancer	Current smoker	Fire fighters that never smoked
	Former smoker who last smoked less than fifteen years before date of manifestation of the disease	Former smoker who last smoked fifteen years or more before date of manifestation of the disease

[Statutory Authority: RCW 51.04.020, 51.32.185. 03-12-046, § 296-14-330, filed 5/30/03, effective 7/1/03.]

WAC 296-14-520 Why is it important to establish the worker's monthly wage? The department or self-insurer is required to establish a monthly wage that fairly and reasonably reflects workers' lost wages from all employment at the time of injury or date of disease manifestation. This monthly wage, which is calculated using the formulas in RCW 51.08.178, represents the worker's lost earning capacity. This monthly wage is used to calculate the rate of the worker's total disability compensation or beneficiary's survivor benefits under Washington's Industrial Insurance Act.

[Statutory Authority: RCW 51.04.010, 51.04.020 and 142 Wn.2d 801 (2001). 03-11-035, § 296-14-520, filed 5/15/03, effective 6/15/03.]

WAC 296-14-522 What does the term "wages" mean? The term "wages" is defined as:

(1) The gross cash wages paid by the employer for services performed. "Cash wages" means payment in cash, by check, by electronic transfer or by other means made directly to the worker before any mandatory deductions required by state or federal law. Tips are also considered wages but only to the extent they are reported to the employer for federal income tax purposes.

(2) Bonuses paid by the employer of record as part of the employment contract in the twelve months immediately preceding the injury or date of disease manifestation.

(3) The reasonable value of board, housing, fuel and other consideration of like nature received from the employer at the time of injury or on the date of disease manifestation that are part of the contract of hire.

Exception: Payments for items other than board, housing, fuel or other consideration of like nature made by the employer to a trust fund or other entity for fringe benefits do not constitute wages.

[Statutory Authority: RCW 51.04.010, 51.04.020 and 142 Wn.2d 801 (2001). 03-11-035, § 296-14-522, filed 5/15/03, effective 6/15/03.]

WAC 296-14-524 How do I determine whether an employer provided benefit qualifies as "consideration of like nature" to board, housing and fuel? To qualify as

"consideration of like nature" the employer provided benefit must meet all of the following elements:

(1) The benefit must be objectively critical to protecting the worker's basic health and survival at the time of injury or date of disease manifestation.

(a) The benefit must be one that provides a necessity of life at the time of injury or date of disease manifestation without which employees cannot survive a period of even temporary disability.

(b) This is not a subjective determination. The benefit must be one that virtually all employees in all employment typically use to protect their immediate health and survival while employed.

(c) The benefit itself must be critical to protecting the employee's immediate health and survival. The fact that a benefit has a cash value that can be assigned, transferred, or "cashed out" by an employee and used to meet one or more of the employee's basic needs is not sufficient to satisfy this element.

(2) The benefit must be readily identifiable. The general terms and extent of the benefit must be established through the employer's written policies, or the written or verbal employment contract between the employer and worker (for example, a collective bargaining agreement that requires the employer to pay a certain sum for the employee's health insurance).

(3) The monthly amount paid by the employer for the benefit must be reasonably calculable (for example, as part of the employment contract, the employer agrees to pay three dollars for each hour worked by the employee for that person's health insurance).

Examples of benefits that qualify as "consideration of like nature" are medical, dental and vision insurance provided by the employer.

Examples of benefits that do **not** qualify as "consideration of like nature" are retirement benefits or payments into a retirement plan or stock option, union dues and life insurance provided by the employer.

[Statutory Authority: RCW 51.04.010, 51.04.020 and 142 Wn.2d 801 (2001). 03-11-035, § 296-14-524, filed 5/15/03, effective 6/15/03.]

WAC 296-14-526 Is the value of "consideration of like nature" always included in determining the worker's compensation? (1) No. The value of other consideration of like nature is only included in the worker's monthly wage if:

(a) The employer, through its full or partial payment, provided the benefit to the worker at the time of injury or on the date of disease manifestation;

(b) The worker received the benefit at the time of injury or on the date of disease manifestation.

This section is satisfied if, at the time of injury or on the date of disease manifestation:

(i) The employer made payments to a union trust fund or other entity for the identified benefit; and

(ii) The worker was actually eligible to receive the benefit.

Example: At the time of the worker's industrial injury, the employer paid two dollars and fifty cents for each hour worked by the employee to a union trust fund for medical insurance on behalf of the employee and her family. If the employee was able to use the medical insurance at the time of her injury, the employer's monthly payment for this benefit is included in the worker's monthly wage, in accordance with (d) of this subsection. This is true even where the worker's eligibility for this medical insurance is based primarily or solely on payments to the trust fund from past employers.

(c) The worker or beneficiary no longer receives the benefit and the department or self-insurer has knowledge of this change.

If the worker continues to receive the benefit from a union trust fund or other entity for which the employer made a financial contribution at the time of injury or on the date of disease manifestation, the employer's monthly payment for the benefit is **not** included in the worker's monthly wage.

Example: An employer contributes two dollars and fifty cents for each hour an employee works into a union trust fund that provides the employee and her family with medical insurance. If the employer stops contributing to this fund, but the worker continues to receive this benefit, the employer's monthly payment for the medical insurance is not included in the worker's monthly wage.

(2) This rule does not permit the department or self-insurer to alter, change or modify a final order establishing the worker's monthly wage except as provided under RCW 51.28.040.

[Statutory Authority: RCW 51.04.010, 51.04.020 and 142 Wn.2d 801 (2001). 03-11-035, § 296-14-526, filed 5/15/03, effective 6/15/03.]

WAC 296-14-528 How do I determine the value of a benefit that qualifies as "consideration of like nature"? The amount paid by the employer for the benefit at the time of injury or on the date of disease manifestation represents the amount that may be included in the worker's monthly wage.

[Statutory Authority: RCW 51.04.010, 51.04.020 and 142 Wn.2d 801 (2001). 03-11-035, § 296-14-528, filed 5/15/03, effective 6/15/03.]

WAC 296-14-530 Is overtime considered in calculating the worker's monthly wage? (1) When the worker's monthly wage is computed under RCW 51.08.178(1), only the overtime hours the worker normally works are taken into consideration.

(2) When the worker's monthly wage is computed under RCW 51.08.178(2), the overtime pay is included in determining the worker's wages.

[Statutory Authority: RCW 51.04.010, 51.04.020 and 142 Wn.2d 801 (2001). 03-11-035, § 296-14-530, filed 5/15/03, effective 6/15/03.]

Chapter 296-17 WAC

GENERAL REPORTING RULES, CLASSIFICATIONS, AUDIT AND RECORDKEEPING, RATES AND RATING SYSTEM FOR WASHINGTON WORKERS' COMPENSATION INSURANCE

WAC

296-17-31002 General rule definitions.
296-17-31007 Owner coverage.
296-17-31009 Reciprocal agreements.
296-17-31018 Exception classifications.
296-17-31021 Units of exposure.
296-17-31027 Temporary staffing services.
296-17-35201 Recordkeeping and retention.
296-17-35203 Special reporting instruction.

296-17-501	Classification 0101.
296-17-519	Classification 0504.
296-17-52001	Repealed.
296-17-521	Classification 0508.
296-17-52108	Classification 0516.
296-17-52109	Classification 0517.
296-17-52110	Classification 0518.
296-17-527	Classification 0607.
296-17-536	Classification 1101.
296-17-538	Classification 1103.
296-17-544	Classification 1404.
296-17-57001	Classification 2907.
296-17-583	Classification 3406.
296-17-594	Classification 3602.
296-17-618	Classification 3905.
296-17-64999	Classification 4900.
296-17-659	Classification 5001.
296-17-66002	Classification 5004.
296-17-66003	Classification 5005.
296-17-67601	Classification 5208.
296-17-677	Classification 5301.
296-17-680	Classification 6103.
296-17-681	Classification 6104.
296-17-698	Classification 6303.
296-17-72201	Classification 6510.
296-17-72202	Classification 6511.
296-17-724	Classification 6602.
296-17-729	Classification 6607.
296-17-752	Classification 6907.
296-17-757	Classification 7104.
296-17-758	Classification 7105.
296-17-759	Classification 7106.
296-17-760	Classification 7107.
296-17-761	Classification 7108.
296-17-762	Classification 7109.
296-17-76201	Classification 7110.
296-17-76202	Classification 7111.
296-17-76203	Classification 7112.
296-17-76204	Classification 7113.
296-17-76205	Classification 7114.
296-17-76206	Classification 7115.
296-17-76207	Classification 7116.
296-17-76208	Classification 7117.
296-17-76209	Classification 7118.
296-17-76210	Classification 7119.
296-17-76211	Classification 7120.
296-17-76212	Classification 7121.
296-17-76213	Classification 7122.
296-17-855	Experience modification.
296-17-870	Evaluation of actual losses.
296-17-875	Table I.
296-17-880	Table II.
296-17-885	Table III.
296-17-890	Table IV.
296-17-895	Industrial insurance accident fund base rates and medical aid base rates by class of industry.
296-17-89502	Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications.
296-17-90492	Table I.
296-17-90493	Table II.
296-17-90494	Table III.
296-17-90495	Table IV.
296-17-90496	Table V.
296-17-90497	Table VI.
296-17-920	Assessment for supplemental pension fund.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-17-52001	Classification 0506. [Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-52001, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-52001, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-52001, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-52001, filed 11/29/82, effective 1/1/83.] Repealed by 03-23-025, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120.

WAC 296-17-31002 General rule definitions. In developing the general reporting rules and classifications which govern Washington's workers' compensation classification plan, we have used certain words or phrases which could have several meanings. Many of these words or phrases are defined by law in the Revised Code of Washington (*Title 51 RCW*) and can be found in **Appendix A** of this manual. Some words, however, are not defined by law. To reduce the misunderstanding which can result by our use of certain words or phrases not defined in law (*Title 51 RCW*), we have developed definitions which will govern what these words and phrases mean for purposes of this chapter (*chapter 296-17 WAC*).

The following words or phrases mean:

Account: A unique numerical reference that we assign to you that identifies your business or businesses and allows us to track exposure that you report to us and losses (*claims*) which we pay on your behalf.

Actual hours worked: A worker's composite work period beginning with the starting time of day that the employee's work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by an employee. The following example is provided to illustrate how work hours are to be reported. If you have questions on reporting please contact our underwriting section at (360) 902-4817.

***Example*:** *A carpet installer arrives at the employer's place of business at 8:00 a.m. to pick up supplies, carpet, and the job assignment. The carpet installer arrives at the job site at 9:00 a.m. and works until 12 noon. The installer takes a half hour nonpaid lunch period and resumes working from 12:30 p.m. until 4:00 p.m. The installer then returns to the employer's premise to drop off supplies and carpet waste. The installer leaves the employer's premise at 5:30 p.m. The employer is to report nine hours of work time regardless of whether the employee is paid by the hour or by the number of yards of carpet installed.*

All: When a classification contains a descriptive phrase beginning with "*all*" such as in "*all employees,*" "*all other employees*," "*all operations*," or "*all work to completion*," it includes all operations and employments which are normally associated with the type of business covered by the classification. This condition applies even if the operations or employments are physically separated or conducted at a separate location. Operations or employments are to be classified separately when the classification wording requires it, or when the operations or employments are not incidental to, and not usually associated with, the business described by the classification.

And: When this word is contained in any rule it is to be considered the same as the phrase "and/or."

Basic classification: A grouping of businesses or industries having common or similar exposure to loss without regard to the separate employments, occupations or operations which are normally associated with the business or industry. Basic classifications describe a specific type of business operation or industry such as mechanical logging, sawmills, aircraft manufacturing, or restaurants. In most business operations some workers are exposed to very little hazard, while others are exposed to greater hazard. Since a basic classification reflects the liability (*exposure to hazard*) of a given business or industry, all the operations and occupa-

tions that are common to an industry are blended together and included in the classification. The rate for a basic classification represents the average of the hazards within the classification. All classifications contained in this manual are considered basic classifications with the exception of classifications 4806, 4900, 4904, 5206, 6301, 6302, 6303, 7101, and temporary help classifications 7104 through 7121. Classification descriptions contained in WAC 296-17-501 through 296-17-779, establish the intended purpose or scope of each classification. These descriptions will routinely include types of businesses, operations, processes or employments which are either included or excluded from the classification. These references are not to be considered an all inclusive listing unless the classification wording so specifies.

But not limited to: When this phrase is used in any rule in this manual it is not to be interpreted as an all inclusive list. Such a list is meant to provide examples of operations, employments, processes, equipment or types of businesses which are either included or excluded from the scope of the classification.

Excludes or excluding: When a classification contains a descriptive phrase beginning with "*excludes*" or "*excluding*" such as "*excluding drivers or delivery*," "*excluding second hand appliance stores*," or "*excludes construction operations*," you must report those operations in a separate classification. If a business fails to keep the records required in the auditing recordkeeping section of this manual and we discover this, we will assign all workers hours for which records were not maintained to the highest rated classification applicable to the work which was performed.

Exposure: Worker hours, worker days, licenses, material, payroll or other measurement which we use to determine the extent to which an employer's workers have been exposed to the hazards found within a particular business or industry classification.

Governing classification: Is the basic classification assigned to a business that produces the largest number of worker hours during a calendar year (*twelve months*). The governing classification rule applies only to situations where a business has been assigned two or more basic classifications and is used for the sole purpose of determining what classification applies to employees and covered owners who support two or more operations. The governing classification rule is not to be used to determine the basic classification of a business.

Includes or including: When a classification contains a descriptive phrase beginning with "*includes*" or "*including*" such as "*including clerical office*," "*including meter readers*," or "*includes new construction or extension of lines*," you must report these operations in that basic classification even though they may be specifically described by some other classification contained in this manual or may be conducted at a separate location.

Industrial insurance: Refer to the definition of "workers' compensation insurance."

N.O.C.: This abbreviation stands for not otherwise classified. Classifications are often worded in this way when there are many variations of the same general type of business and it would be nearly impossible to list all the variations. Before a classification designated with N.O.C. is used, all other related classifications must be reviewed to determine if the business or industry is specified in another classification.

Example: *You operate a retail store that sells greeting cards. In our search to classify your business we come across a classification that covers retail stores N.O.C. Before our underwriter assigns this classification to your business, they would look at other retail store classifications to see if a more precise classification could be found. In our review we note several classifications such as grocery and department stores where greeting cards are sold. None of these classifications, however, specify that they include stores that exclusively sell greeting cards. Classification 6406 "Retail stores, N.O.C.," on the other hand, contains language in its description that states it includes stores that sell items such as greeting cards, table top appliances, tropical fish and birds, and quick print shops. We would assign classification 6406 "Retail stores, N.O.C." to your business.*

Or: Refer to the definition of the word "*and.*"

Policy manager: An individual who works in the underwriting section of the department of labor and industries and manages an employer's workers' compensation insurance account. A policy manager is also referred to as an underwriter.

Premium: The total amount of money owed to the department of labor and industries as calculated by multiplying the assigned classification composite rate by the total units of exposure.

Rate: The amount of premium due for each unit of exposure. All rates are composite rates per worker hour except as otherwise provided for by other rules in this manual.

Risk: All insured operations of one employer within the state of Washington.

Temporary help: The term "temporary help" means the same as temporary service contractors defined in (*Title 19 RCW*) and applies to any person, firm, association or corporation conducting a business which consists of employing individuals directly for the purpose of furnishing such individuals on a part-time or temporary help basis to others.

Underwriter: Refer to the definition of a "policy manager."

Work day: Any consecutive twenty-four hour period.

Work hour: Refer to the definition of "actual hours worked."

Workers' compensation insurance: The obligation imposed on an employer by the industrial insurance laws (*Title 51 RCW*) of the state of Washington to insure the payment of benefits prescribed by such laws.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-31002, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-31002, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31007 Owner coverage. (1) **As a business owner, can I buy workers' compensation insurance to cover myself?**

Yes. If you are a sole proprietor, partner, corporate officer, or member of a limited liability company you may not be required to have industrial insurance coverage as provided in RCW 51.12.020. In these instances, you can still obtain workers' compensation coverage from us. We refer to this

coverage as optional coverage since as the owner/officer, you are not required to have this insurance. Because owner insurance coverage is optional, you must meet certain conditions and requirements which are detailed on the *application for owner/officer optional coverage.* These requirements include:

- Completing an application for optional owner/ officer coverage;
- Reporting owner/officer hours in the classification assigned to your business that is applicable to the work being performed by the owner/officer;
- Submitting a supplemental report which lists the name of each covered owner/officer; and
- Reporting four hundred eighty hours or actual hours worked each quarter for each covered owner/officer and in the applicable workers' compensation classification code.

(2) **When will my owner/officer coverage become effective?**

Your coverage will become effective upon receipt of your application in the department in writing or by fax unless you indicate a future date. However, no such person or beneficiaries thereof shall be entitled to benefits unless the date of injury were the next day or later after coverage was elected. We will not make coverage effective on a date prior to our receipt of your completed application for owner/officer coverage.

(3) **Where can I obtain an application for owner/ officer coverage?**

To obtain a copy of this application, contact your local labor and industries office. We are listed in the government pages of your local directory or you can call our underwriting section at (360) 902-4817.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-31007, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-31007, filed 11/29/99, effective 12/31/99. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-31007, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-31007, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31009 Reciprocal agreements. (1) **Occasionally one of my Washington employees will do some work for me in another state. Do I need to buy workers' compensation insurance in the state where they are working?**

In some cases, we can provide workers' compensation insurance coverage for your Washington based employees working for you on a temporary assignment in another state. We have formal written agreements with some states which detail coverage and jurisdiction issues. We refer to these formal agreements as "*reciprocal agreements.*" If you have questions regarding temporary coverage in another state you should contact your policy manager for assistance. The name and telephone number of your policy manager can be found on your quarterly premium report or annual rate notice. For your convenience you can call us at (360) 902-4817 for assistance and we will put you in contact with your assigned policy manager.

(2) **What is a reciprocal agreement?**

A reciprocal agreement is a contract between the department of labor and industries acting on behalf of the state of Washington and another state. The primary purpose of the agreement is to identify which state will be responsible for paying benefits if one of your employees is injured. This also limits your insurance costs. If you employ only Washington workers you need to buy workers' compensation insurance only from us.

(3) **You mentioned that there are circumstances when you can provide insurance coverage. What are the circumstances?**

The actual circumstances will vary by state. In most cases we will look at:

- The work to be performed,
- The location where the work is to be performed,
- Where the employee was first hired to work,
- How long the employee will be working in the other state.

(4) **Which states have reciprocal agreements with Washington?** We currently have reciprocal agreements with the following states:

• IDAHO

RECIPROCITY AGREEMENT BETWEEN IDAHO INDUSTRIAL ACCIDENT BOARD AND WASHINGTON DEPARTMENT OF LABOR AND INDUSTRIES IN REGARD TO EXTRATERRITORIAL JURISDICTION

This agreement is made between the industrial accident board of the state of Idaho (herein, for convenience, abbreviated Idaho IAB) and the department of labor and industries of the state of Washington (DOLAI), as administrators of the worker's compensation (WC) laws of their respective states, each of said parties being authorized to enter into reciprocity agreements with other states in matters involving their respective extraterritorial jurisdictional powers and duties.

PREMISES:

1. Employers in each state on occasion find it necessary or expedient to have their workers perform services in the other state. The parties are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the WC laws of their respective home states.

DEFINITIONS:

2. For the purposes of this agreement: Person whose employment is "principally localized" in Idaho shall be deemed to be an Idaho worker. A person's employment is "principally localized" in Idaho when:

(1) His/her employer has a place of business in Idaho and he/she regularly works (or it is contemplated that he/she shall regularly work) at or from such place of business; or

(2) If clause (1) foregoing is not applicable, he/she is domiciled and spends a substantial part of his/her working time in the service of his/her employer in Idaho.

A person whose employment is "principally localized" in Washington shall be deemed to be a Washington worker. A person's employment is "principally localized" in Washington when:

(1) His/her employer has a place of business in Washington and he/she regularly works (or it is contemplated that he/she shall regularly work) at or from such place of business; or

(2) If clause (1) foregoing is not applicable, he/she is domiciled and spends a substantial part of his/her working time in the service of his/her employer in Washington.

An employee whose duties require him/her to travel regularly in the service of his/her employer in more than one state may, by written agreement with his/her employer, designate the state in which his/her employment shall be "principally localized." Unless the state so designated refuses jurisdiction, such agreement shall be given effect under the instant agreement.

In cases where none of the foregoing tests can be made to apply, the person shall be deemed to be a worker of whichever jurisdiction in which his/her contract of hire was made.

3. This agreement shall not apply to Washington workers of an Idaho employer working in the state of Washington, nor to Idaho workers of a Washington employer working in the state of Idaho: Provided, however, That the right and remedies of both Idaho and Washington workers engaged in the construction and maintenance of interstate structures such as dams, bridges, trestles and similar structures between the two states, may be regulated by specific separate reciprocity agreements.

THE PARTIES AGREE:

4. The Idaho IAB in keeping with the provision of the Idaho WC law will assume and exercise extraterritorial jurisdiction of compensation claims on any Idaho worker injured in the state of Washington and of his/her dependents upon any Idaho employer under its jurisdiction and the latter's surety or insurance carrier.

5. The Washington DOLAI in keeping with the provisions of the Washington WC law will provide protection of any Washington employer under its jurisdiction and benefits to any Washington worker injured in the course of his/her employment while working in the state of Idaho.

6. A Washington employer while performing work in the state of Idaho shall be subject to the safety codes of the state of Idaho, **AND** an Idaho employer working in the state of Washington shall be subject to the safety codes of the state of Washington.

7. Employers' premium payments on the out-of-state earnings of Idaho workers shall be due and payable to the respective employers' insurance carriers **AND** premium payments of the out-of-state earnings of Washington workers shall be made to the Washington DOLAI.

8. For the purpose of implementing the terms of the agreement, the parties agreed upon the following procedures:

The Idaho IAB will upon request and on behalf of an Idaho employer issue a certificate of extraterritorial coverage to the Washington DOLAI **AND** the latter upon request and on behalf of a Washington employer will issue a certificate of extraterritorial coverage to the Idaho IAB. Such certificates may be canceled or revoked at the discretion of the issuing agency. Due notice of issuance, modification and cancellation of any such certificate shall be given to the employer and to his/her insurance carrier, if any.

9. This agreement shall be effective January 1, 1971, and shall remain in full force and effect until superseded or modified by the parties hereto.

• MONTANA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE DEPARTMENT OF LABOR OF THE STATE OF MONTANA, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and Montana's workers' compensation laws, and workers must be considered workers under both Washington's and Montana's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of Montana will be subject to the safety codes of the state of Montana. Any Montana employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

Washington and Montana both agree to notify the other state in writing of any changes to their law that may affect this agreement within thirty days of that law change.

EXCLUSIONS FROM THE BASIC RULE:

This agreement does not apply to Washington workers of Montana employers while working in the state of Washington nor to Montana workers of Washington employers while working in the state of Montana.

Washington employers engaged in the construction industry as defined in Section 39-71-116 MCA and working in Montana must obtain coverage for workers so employed in Montana under the provisions of Montana's Workers' Compensation Act.

Montana employers engaged in the construction industry and working in Washington must obtain coverage for workers so employed in Washington under the provisions of Washington's Industrial Insurance Act.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement retroactively supersedes the previous agreement between Washington and Montana in effect July 1, 1968. This agreement is effective November 1, 2000, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or Montana and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• NEVADA

RECIPROCITY AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE NEVADA INDUSTRIAL COMMISSIONS OF THE STATE OF NEVADA REGARDING EXTRATERRITORIAL RECIPROCITY

WHEREAS, The worker's compensation law of the state of Washington authorizes the director of labor and industries to enter into agreement of reciprocity for worker's compensation purposes with other states; and

WHEREAS, The worker's compensation law of the state of Nevada authorizes the Nevada industrial commission to enter into agreements of reciprocity for worker's compensation purposes with other states; and

WHEREAS, Employers who conduct operations in the state of Washington are required on occasion to have Washington workers perform services in the state of Nevada; and

WHEREAS, Employers who conduct operations in the state of Nevada are required on occasion to have Nevada workers perform services in the state of Washington; and

WHEREAS, The department of labor and industries of the state of Washington and the Nevada industrial commission of the state of Nevada are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the worker's compensation laws of their respective home state.

IT IS HEREBY AGREED That for the purpose of this agreement of reciprocity, a Washington worker is a person hired to work in the state of Washington, and a Nevada worker is a person hired to work in the state of Nevada.

IT IS FURTHER AGREED BETWEEN The department of labor and industries of the state of Washington and the Nevada industrial commission of the state of Nevada.

That the department of labor and industries of the state of Washington in keeping with the provisions of the Washington worker's compensation law will provide protection for any Washington employer under its jurisdiction and benefits to any of the Washington workers who may be injured in the course of employment while working temporarily in the state of Nevada. In the event of an injury to one of these workers, his/her exclusive remedy would be that provided by the worker's compensation law of the state of Washington.

That the Nevada industrial commission of the state of Nevada in keeping with the provisions of the Nevada worker's compensation law will provide protection for any Nevada employer under its jurisdiction, and benefits to any of its workers who may be injured in the course of employment while working temporarily in the state of Washington. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the worker's compensation law of the state of Nevada.

That the department of labor and industries of the state of Washington will upon request and on behalf of the Washington employer issue a certificate of extraterritorial coverage to the Nevada industrial commission of the state of Nevada, and that the Nevada industrial commission of the state of Nevada will upon request and on behalf of the Nevada employer issue a certificate of extraterritorial coverage to the department of labor and industries of the state of Washington.

That these certificates of extraterritorial coverage shall be issued and/or canceled at the discretion of the Washington department of labor and industries or the Nevada industrial commission.

That the Nevada employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington, and that the Washington employer while performing work in the state of Nevada will be subject to the safety codes of the state of Nevada.

IT IS MUTUALLY UNDERSTOOD, That this agreement will not apply to Nevada workers of the Washington employer working in the state of Nevada, nor to the Washington workers of the Nevada employer working in the state of Washington.

IT IS ALSO MUTUALLY UNDERSTOOD, That premium payments on the out-of-state earnings of Washington workers will be made to the Washington department of labor and industries, and that premium payments on the out-of-state earnings of Nevada workers will be made to the Nevada industrial commission of the state of Nevada.

IT IS FURTHER AGREED That this statement of extraterritorial reciprocity shall be effective April 1, 1970, and further that this agreement shall remain in full force and effect until superseded or modified by the parties to this agreement.

• NORTH DAKOTA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE NORTH DAKOTA WORKERS COMPENSATION, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and North Dakota's workers' compensation laws, and workers must be considered workers under both Washington's and North Dakota's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation

law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of North Dakota will be subject to the safety codes of the state of North Dakota. Any North Dakota employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of North Dakota employers while working in the state of Washington or to North Dakota workers of Washington employers while working in the state of North Dakota.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement is effective March 1, 2001, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or North Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• OREGON

THE STATE OF WASHINGTON, ACTING BY AND THROUGH THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF CONSUMER AND BUSINESS SERVICES, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT (THE "AGREEMENT"):

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in Washington and the worker is temporarily working in Oregon, or when the contract of employment arises in Oregon and the worker is temporarily working in Washington. To be covered by this agreement, an employer must be considered an employer under both Washington's and Oregon's workers' compensation laws, and workers must be considered workers under both Washington's and Oregon's workers' compensation laws.

BASIC RULE:

When a contract of employment arises in Washington and the worker is temporarily working in Oregon or when the contract of employment arises in Oregon and the worker is temporarily working in Washington:

Employers shall be required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contract of employment arose in, and pay premiums or be self-insured in that state for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state shall be payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

In determining whether a worker is temporarily working in another state, Washington and Oregon agree to consider:

1. The extent to which the worker's work within the state is of a temporary duration;

2. The intent of the employer in regard to the worker's employment status;

3. The understanding of the worker in regard to the employment status with the employer;

4. The permanent location of the employer and its permanent facilities;

5. The extent to which the employer's contract in the state is of a temporary duration, established by a beginning date and expected ending date of the employer's contract;

6. The circumstances and directives surrounding the worker's work assignment;

7. The state laws and regulations to which the employer is otherwise subject;

8. The residence of the worker; and

9. Other information relevant to the determination.

• Washington and Oregon both agree to notify the other state of any changes to their law that may affect this agreement within thirty days of that law change.

• Any Washington employer while performing work in the state of Oregon will be subject to the safety codes of the state of Oregon. Any Oregon employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to any Washington worker of an Oregon employer while working in the state of Washington nor to any Oregon worker of a Washington employer while working in the state of Oregon. It is understood that an employer from either Oregon or Washington may have a contract in the other state where they may have both Oregon and Washington workers which may require obtaining coverage in both states for that same contract.

This agreement does not apply to employees of an employer working for stevedoring or steamship companies.

This agreement does not supersede separate agreements made regarding workers employed in the construction or maintenance of interstate structures such as dams, bridges, trestles, etc. between Oregon and Washington.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

MERGER:

This agreement replaces and supersedes the previous agreement on the same subject matter entered into between Washington and Oregon in effect since October 5, 1997.

EFFECTIVE DATE:

This agreement shall take effect immediately upon completion of all of the following requirements:

(1) Execution by both parties;

(2) Public notification in compliance with Oregon law; and

(3) Adoption as a rule in compliance with Washington law. This agreement will remain in effect unless terminated, modified, amended or replaced in writing between the parties.

TERMINATION:

Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

NOTICE:

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• SOUTH DAKOTA

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE SOUTH DAKOTA DEPARTMENT OF LABOR, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and South Dakota's workers' compensation laws, and workers must be considered workers under both Washington's and South Dakota's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of South Dakota will be subject to the safety codes of the state of South Dakota. Any South Dakota employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of South Dakota employers while working in the state of Washington or to South Dakota workers of Washington employers while working in the state of South Dakota.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement is effective March 1, 2001 and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or South Dakota, and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• UTAH

THE WASHINGTON STATE DEPARTMENT OF LABOR AND INDUSTRIES AND THE UTAH LABOR COMMISSION, DESIRING TO RESOLVE JURISDICTIONAL ISSUES THAT ARISE WHEN WORKERS FROM ONE STATE TEMPORARILY WORK IN ANOTHER, ENTER INTO THE FOLLOWING AGREEMENT:

WHO IS AFFECTED BY THIS AGREEMENT?

This agreement affects the rights of workers and their employers when the contract of employment arises in one state and the worker is temporarily working in the other. To be covered by this agreement, an employer must be considered an employer under both Washington's and Utah's workers' compensation laws, and workers must be considered workers under both Washington's and Utah's workers' compensation laws.

BASIC RULE:

When a worker's contract of hire arises in one state and the worker is temporarily working in the other state:

Employers are required to secure the payment of workers' compensation benefits under the workers' compensation law of the state the contracts of employment arose in, and pay premiums if not self-insured for the work performed while in the other state; and

Workers' compensation benefits for injuries and occupational diseases arising out of the temporary employment in the other state are payable under the workers' compensation law of the state the contract of employment arose in, and that state's workers' compensation law provides the exclusive remedy available to the injured worker.

Any Washington employer while performing work in the state of Utah will be subject to the safety codes of the state of Utah. Any Utah employer while performing work in the state of Washington will be subject to the safety codes of the state of Washington.

Washington and Utah both agree to notify the other state in writing of any changes to their law that may affect this agreement within thirty days of that law change.

EXCLUSION FROM THE BASIC RULE:

This agreement does not apply to Washington workers of Utah employers while working in the state of Washington nor

to Utah workers of Washington employers while working in the state of Utah.

CERTIFICATES OF COVERAGE:

Upon request, each state will issue certificates of extraterritorial coverage to the other when appropriate. The issuing state may cancel these certificates at any time.

AGREEMENT:

This agreement is effective March 1, 2001, and will remain in effect unless terminated, modified, or amended in writing between the parties. Either party may terminate the agreement, without cause, by giving written notice to the other party at least thirty days in advance of such termination.

This agreement creates no rights or remedies, causes of action, or claims on behalf of any third person or entity against Washington or Utah and is executed expressly and solely for the purpose of coordinating issues of workers' compensation coverage between the states.

Any communication between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, facsimile or mailing the same, postage prepaid, to the addresses or numbers set forth below on the signature pages or as subsequently modified in writing by the party to be noticed.

• WYOMING

AGREEMENT BETWEEN THE DEPARTMENT OF LABOR AND INDUSTRIES OF THE STATE OF WASHINGTON AND THE WORKMEN'S COMPENSATION DEPARTMENT OF THE STATE OF WYOMING REGARDING EXTRATERRITORIAL RECIPROCITY

WHEREAS, The workmen's compensation law of the state of Washington authorized the director of labor and industries to enter into agreements of reciprocity for workmen's compensation purposes with other states; and

WHEREAS, The workmen's compensation law of the state of Wyoming authorizes the workmen's compensation department to enter into agreements of reciprocity for workmen's compensation purposes with other states; and

WHEREAS, Employers who conduct operations in the state of Washington are required on occasion to have Washington-hired workers perform services in the state of Wyoming; and

WHEREAS, Employers who conduct operations in the state of Wyoming are required on occasion to have Wyoming-hired workers perform services in the state of Washington; and

WHEREAS, The department of labor and industries of the state of Washington and the workmen's compensation department of the state of Wyoming are desirous of entering into an agreement whereby the employers and workers of each of the respective states may continue to be entitled to the protection and benefits provided by the workmen's compensation laws of their respective home states.

IT IS HEREBY AGREED BETWEEN The department of labor and industries of the state of Washington and the workmen's compensation department of the state of Wyoming:

That the department of labor and industries of the state of Washington in keeping with the provisions of the Washington workmen's compensation law will provide protection for any Washington employer under its jurisdiction and benefits to any of his/her workers who may be hired in the state of Washington and injured in the course of employment while working temporarily in the state of Wyoming. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the workmen's compensation law of the state of Washington.

That the workmen's compensation department of the state of Wyoming in keeping with the provision of the Wyoming workmen's compensation law will provide protection for any Wyoming employer under its jurisdiction, and benefits to any of his/her workers who may be hired in the state of Wyoming and injured in the course of employment while working temporarily in the state of Washington. In the event of injury to one of these workers, his/her exclusive remedy would be that provided by the workmen's compensation law of the state of Wyoming.

That for the purpose of this agreement "temporary" shall mean a period not to exceed six months.

That the department of labor and industries of the state of Washington will, upon request and on behalf of the Washington employer, issue a certificate of extraterritorial coverage to the workmen's compensation department of the state of Wyoming, and that the workmen's compensation department of the state of Wyoming will, upon request and on behalf of the Wyoming employers, issue a certificate of extraterritorial coverage to the department of labor and industries of the state of Washington.

That these certificates of extraterritorial coverage shall be issued for a maximum period of six months subject to renewal upon request by the affected employers and at the discretion of the Washington department of labor and industries, or the Wyoming workmen's compensation department.

That the Wyoming employer and his/her workers while performing work in the state of Washington under this agreement will be subject to the safety codes of the state of Washington, and that the Washington employer and his/her workers while performing work in the state of Wyoming under this agreement will be subject to the safety codes of the state of Wyoming.

IT IS MUTUALLY UNDERSTOOD That this agreement will not apply to workers of the Washington employer who may be hired in the state of Wyoming, nor to the workers of the Wyoming employer who may be hired in the state of Washington.

IT IS ALSO MUTUALLY UNDERSTOOD That premium payments on the out-of-state earnings of Washington-hired workers will be made to the Washington department of labor and industries, and that premium payments on the out-of-state earning of Wyoming-hired workers will be made to the workmen's compensation department of the state of Wyoming.

IT IS FURTHER AGREED That this agreement of extraterritorial reciprocity shall become effective on July 15, 1963, and shall remain in full force and effect until superseded or modified by the parties to this agreement.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-31009, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-31009, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31018 Exception classifications. (1) **What are exception classifications?**

In *WAC 296-17-31012* we discussed our classification policy. We described the process used to classify risk and

stated that we assign the basic classification or basic classifications that best describe the nature of your company's business. While this policy is modeled after the policy used by private insurance carriers and is geared to administrative ease for you, we recognize that there are some duties or operations where your employees do not share the same general workplace hazards that your other employees are exposed to. To provide for those operations that are outside the scope of a basic classification, we have created three types of exception classifications listed below:

- Standard exception classifications,
- Special exception classifications, and
- General exclusion classifications.

(2) **What are the standard exception classifications?**

Standard exception classifications cover those employments that are administrative in nature and common to many industries. Employees covered by a standard exception classification cannot be exposed to any operative hazard of the business. If the language of the basic classification assigned to your business does not include these employments, you may be able to report them separately. The standard exception classifications are:

- Classification 4904 (*WAC 296-17-653*) "clerical office employment." This classification includes clerical, administrative, and drafting employees.
- Sales personnel classifications 6301 (*WAC 296-17-696*), 6302 (*WAC 296-17-697*), and 6303 (*WAC 296-17-698*) includes outside sales personnel and messengers.
- Classification 7101 (*WAC 296-17-754*) applies to corporate officers who have elected optional coverage. A corporate officer as used in these rules is a person who is an officer in the corporation, such as the president, who also serves on the corporation's board of directors and owns stock in the corporation.
- Classification 7100 (*WAC 296-17-75306*) applies to members of a limited liability company who have elected optional coverage.

Clerical office employees are defined as employees whose duties are limited to: Answering telephones; handling correspondence; creating or maintaining financial, employment, personnel, or payroll records; composing informational material on a computer; creating or maintaining computer software; and technical drafting. Their work must be performed in a clerical office which is restricted to:

- A work area which is physically separated by walls, partitions, or other physical barriers, from all other work areas of the employer, and
- Where only clerical office work as described in this rule is performed.

A clerical office does not include any work area where inventory is located, where products are displayed for sale, or area where the customer brings products for payment. Clerical office employees can perform cashiering and telephone sales work if they do not provide any retail or wholesale customer service that involves handling, showing, demonstrating, or delivering any product sold by the employer. Clerical office employees can make bank deposits, pick up and deliver mail at the post office, or purchase office supplies, if their primary work duties are clerical office duties as defined in this rule.

Sales personnel are defined as employees whose duties are limited to: Soliciting new customers by telephone or in person; servicing existing customer accounts; showing, selling, or explaining products or services; completing correspondence; placing orders; performing public relations duties; and estimating. Although some of sales person's duties may be performed in a clerical office, most of their work is conducted away from the employer's physical business location or in showrooms. We refer to work that takes place away from the employer's premises as "*outside sales*." Sales personnel whose duties include customer service activities such as, but not limited to, the delivery of product, stocking shelves, handling inventory, or otherwise merchandising products sold to retail or wholesale customers are excluded from all standard exception classifications. Sales personnel with duties such as delivery and stocking of shelves are to be reported in the basic classification applicable to the business unless the basic classification assigned to the business requires another treatment.

Messengers are defined as employees whose duties are delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business. Classification 6303 "messengers" does not include delivering mail or packages to the employer's customer or as a service to the public. If a messenger is engaged in delivering mail or packages as a service to the public they are to be assigned to the basic classification of the business or classification 1101 as applicable.

Corporate officers duties in classification 7101 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. To qualify for this classification, a corporate officer must:

- Be a shareholder in the corporation,
- Be elected as a corporate officer and empowered in accordance with the articles of incorporation or bylaws of the corporation,
- Serve on the corporation's board of directors,
- Not have any exposure to any operative hazard of the business, and
- Not directly supervise employees who have any exposure to any operative hazard of the business.

Members of a limited liability company (LLC) duties in classification 7100 must be limited to: Clerical duties; outside sales duties as described above; administrative duties such as hiring staff, attending meetings, negotiating contracts, and performing public relations work. This includes only those members who have duties and authority similar to the exemption criteria of corporate officers in RCW 51.12.020.

Classification 6303 may apply to a corporate officer or member of a limited liability company whose duties are limited to outside sales activities as described in the sales personnel section of this rule. Under no circumstance is classification 4904 to be assigned to any corporate officer or member of a limited liability company. You cannot divide the work hours of an employee between a standard exception classification and a basic classification unless it is permitted by another rule. If an employee works part of their time in a standard exception classification and part of their time in your

basic classification, then all exposure (hours) must be reported in the highest rated basic classification applicable to the work being performed.

(3) **What are the special exception classifications?**

Special exception classifications represent operations found within an employer's business that are allowed to be reported separately when certain conditions are met. Assuming the conditions have been met, the following classifications may be used even if your basic classification includes the phrases "all operations" or "all employees."

Security guards - classification 6601 (*WAC 296-17-723*) will apply if the security guard:

- Is an employee of an employer engaged in logging or construction,
- Is for the purpose of guarding the employer's logging or construction sites,
- Is employed at the site only during the hours the employer is not conducting any other operations at the site,
- Has no other duties during their work shift as a security guard.

If all of the above conditions are not met, the security guard is to be reported in the basic classification applicable to the construction or logging operation being conducted.

Janitors - classification 6602 (*WAC 296-17-724*) will apply if:

- The janitorial/cleaning activities being performed are limited to the employer's clerical office,
- The clerical office meets the criteria described earlier in this rule, and
- The employer's office employment is assigned to be reported in classification 4904.

Construction: Superintendent or project manager - classification 4900 (WAC 296-17-64999) will apply if the superintendent or project manager:

- Is an employee of a licensed contractor engaged in construction,
- Has no direct control over work crews,
- Performs no construction labor at the construction site or project location.

If all of the conditions are not met, the superintendent or project manager is to be reported in the basic classification applicable to the construction project.

Log truck drivers - classification 5003 (*WAC 296-17-66001*) will apply if the log truck driver has no other duties during their work shift that are subject to the logging classification 5001 (*WAC 296-17-659*).

(4) **What are the general exclusion classifications?**

General exclusion classifications represent operations that are so exceptional or unusual that they are excluded from the scope of all basic classifications. If you have these operations, we will assign a separate classification to cover them. You must keep accurate records of the work hours your employees work in these classifications. If you do not keep accurate time records for each employee performing work covered by a general exclusion classification, we will assign the work hours in question to the highest rated classification applicable to those hours. The general exclusion classifications are:

- Aircraft operations: All operations of the flying crew.
- Racing operations: All operations of the drivers and pit crews.
- Diving operations: All operations of diving personnel and ship tenders who assist in diving operations.
- New construction or alterations of the business premises.
- Musicians and entertainers.

A division of work time is permitted between a standard exception classification and flight crew operations, racing operations, or diving operations. If you fail to keep original time records that clearly show the time spent in the office or in sales work, we will assign all work hours in question to the highest rated classification applicable to the work hours in question.

Example: *Assume a corporate officer performs duties which are described in classification 7101. Occasionally, the officer flies a plane to attend a meeting. You would report the flying exposure (hours) of the corporate officer in classification 6803. The remainder of the corporate officer's time would continue to be reported in classification 7101.*

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-31018, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-31018, filed 11/29/99, effective 12/31/99. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-31018, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31021 Units of exposure. (1) **What is a "unit of exposure?"**

A unit of exposure is the measure which is used to help determine the premium you will pay. For most businesses the unit of exposure is the ***hours*** worked by their employees. Because not all employees are compensated based on the hours they work, we have developed reporting alternatives to make reporting to us easier. Those alternatives are outlined in subsection (2) of this section. In other cases, the department *may* authorize some other method in assuming workers hours for premium calculation purposes.

(2) **What are the alternatives to actual hours worked?**

The exceptions are:

- **Apartment house managers, caretakers, or similar employees:** To determine the number of hours you need to report to us, divide an employee's total compensation, including housing and utility allowances, by the average hourly wage for the classification. The total number of work hours to be reported for each employee is not to exceed 520 hours per quarter. You will need to call us at (360) 902-4817 to obtain average hourly wage information.
- **Baseball, basketball, and soccer teams as defined in WAC 296-17-745 - including players, coaches, trainers, and officials:** Report each individual at 40 hours per week for each week in which they have duties.
- **Commission employees - outside (such as, but not limited to, real estate and insurance sales):** You must select one of the following methods to report your commission employees - outside:
- Actual hours worked; or
- Assumed hours of eight hours per day for part-time employees or one hundred-sixty hours per month for full-time employees.

All outside commission employees of an employer must be reported by the same method. You cannot

report some outside commission employees based on the actual hours they work and others using the eight hours per day for part-time employees or one hundred-sixty hours per month for full-time employees method.

- **Drywall - stocking, installation, scrapping, taping, and texturing:** Premiums are based on material installed/finished rather than the hours it took to install/finish the drywall.
- **Horse racing - excluding jockeys:** Employers in the horse racing industry pay premiums based on a type of license their employees hold rather than the hours the employees work. Premiums are collected by the Washington horse racing commission at the time of licensing.
- **Jockeys:** Report ten hours for each race/mount or for any day in which duties are reported.
- **Pilots and flight crew members.** Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: Provided, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: Provided further, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.
- **Race car drivers:** Report ten hours for each race/heat.
- **Salaried employees:** You must select one of the following methods to report your salaried employees:
- Actual hours worked; or
- Assumed hours of one hundred-sixty hours per month.

All salaried employees of an employer must be reported by the same method. You cannot report some salaried employees based on the actual hours they work and others using the one hundred sixty hours per month method. Provided further, as in the case of contract personnel employed by schools and/or school districts, the school or school district shall report actual hours worked for each employee, one hundred sixty hours per month for each employee, or the department *may* authorize some other method in assuming workers hours for premium calculation purposes.

(3) **Can I use assumed work hours for piece workers?**

No, if you employ piece workers you must report the actual hours these individuals work for you unless another unit of exposure is required.

Example: *If you have employees engaged in drywall work you would report and pay premiums on the basis of the square footage of the material they installed not the hours they worked.*

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-31021, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-31021, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-31021, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-31021, filed 8/28/98, effective 10/1/98.]

WAC 296-17-31027 Temporary staffing services. (1) **To whom does this rule apply?** This rule applies to any temporary staffing business providing temporary employees to a client customer.

(2) **Who pays the workers' compensation insurance premium for temporary staffing employees?** RCW 51.16.-060 requires the temporary staffing service provider to pay the required premiums for temporary employees assigned to a client customer.

Note: If the temporary staffing service provider fails to pay the required premium to labor and industries, the client customer is responsible for the unpaid premium.

(3) **How are classifications determined for a temporary staffing business?** We will assign the classification or classifications to your business based on the nature of your business.

Note: This process is identical to how classifications are assigned to a nontemporary staffing business.

(4) **Are there special classifications that apply to temporary staffing businesses?** Yes we have created a series of special classifications that only temporary staffing businesses use. They are found in WAC 296-17-757 through 296-17-76213.

Example: A temporary staffing business that specializes in providing nurses to medical facilities would be assigned the temporary staffing classification for health care facilities.

Example: A temporary staffing business that provides temporary employees to a variety of client customers would be assigned multiple temporary staffing classifications.

(5) **Do other businesses have special classifications?** All businesses have special classifications.

Example: A nontemporary service employer engaged exclusively in plumbing work would have a plumbing classification assigned to their business.

Example: A nontemporary service employer engaged in framing houses, land clearing and roofing would have a classification for framing, one for land clearing and a separate classification for the roof work. This is done because construction work is done by contract and each contract will be different.

(6) **Why doesn't labor and industries just use nontemporary staffing classifications for temporary staffing businesses?** Temporary staffing companies requested labor and industries to create special classifications for their industry. The alternative to special industry classifications would result in temporary staffing business to use the nontemporary staffing classification that their client customer uses. Labor and industries has over three hundred main classifications and twelve hundred subclassifications that employers report in. Requiring temporary staffing companies to use all of these classifications would result in an administrative burden for the temporary staffing businesses. Classifications unique to temporary staffing provide temporary staffing businesses the incentives to improve safety for their employees and control the cost of workers' compensation insurance.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-31027, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-31027, filed 8/28/98, effective 10/1/98.]

WAC 296-17-35201 Recordkeeping and retention. Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums due to the state for workers' compensation insurance for their covered workers. In the administration of Title 51 RCW, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums due to the state fund.

The records so specified and required, shall be provided at the time of audit to any authorized representative of the department who has requested them.

Failure to produce the requested records within thirty days of the request, or within an agreed upon time period shall constitute prima facie evidence of noncompliance with this rule and shall invoke the statutory bar to challenge found in RCW 51.48.030 and/or 51.48.040.

(1) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which employment occurred:

(a) The name of each worker;

(b) The Social Security number of each worker;

(c) The beginning date of employment for each worker and, if applicable, the separation date of employment of each such worker;

(d) The basis upon which wages are paid to each worker;

(e) The number of units earned or produced for each worker paid on a piecework basis;

(f) The risk classification applicable to each worker whenever the worker hours of any one employee are being divided between two or more classifications;

(g) The number of actual hours worked (WAC 296-17-31002) by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021;

(h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(i) The workers' total gross pay period earnings;

(j) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(k) The net pay earned by each such worker.

(2) Business, financial records, and record retention. Every employer is required to keep and preserve all original employment time records for three full calendar years following the calendar year in which employment occurred. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve all check registers and bank statements. Employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(3) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such records, shall for the purpose of premium calculation assume worker hours using the average hourly wage rate for each classification, and also will be subject to penalties prescribed in subsection (4) of this section. The records compiled by the department shall be the basis for determining the average hourly wage rate: Provided, That the average hourly wage rate shall be no less than the state minimum wage existing at the time such assumed hours are worked. Notwithstanding any other provisions of this section, workers employed in a work activity center subject to Classification 7309 shall be reported on the basis of the average hourly wage.

(4) Failure to maintain records - Penalties. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, who fails to make, keep, and preserve such record, shall be liable, subject to RCW 51.48.030, to a penalty in the amount of two hundred fifty dollars for each such offense. Failure to make, keep, and preserve records containing the information as specified in subsections (1) and (2) of this section, for a single employee shall constitute one offense, for two employees two offenses, and so forth.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-35201, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-35201, filed 8/31/99, effective 10/1/99. Statutory Authority: RCW 51.04.020. 95-08-052, § 296-17-35201, filed 4/3/95, effective 7/1/95.]

WAC 296-17-35203 Special reporting instruction. (1) **Professional and semiprofessional athletic teams.** Athletes assigned to a Washington-domiciled sports team are mandatorily covered by Washington industrial insurance: Provided, That a professional athlete who is under contract with a parent team domiciled outside of the state of Washington while assigned to a team domiciled within Washington is subject to mandatory coverage by Washington industrial insurance unless the player and employer (parent team) have agreed in writing as to which state shall provide coverage in accordance with RCW 51.12.120(5).

The following rules shall apply to the written agreement:

(a) Agreement must be in writing and signed by the employer and the individual athlete.

(b) Agreement must specify the state that is to provide coverage. The state agreed upon to provide coverage must be a state in which the player's team, during the course of the season, will engage in an athletic event. For example, if the Washington-based team is a part of a league with teams in only Washington, Oregon, and Idaho, the player and the employer can agree to any of those three states to provide coverage. However, they could not agree to have California provide the coverage as this would not qualify as a state in which the player regularly performs assigned duties.

(c) The state agreed upon accepts responsibility for providing coverage and acknowledges such to the department by certified mail.

(d) Agreement and certification by the other state must be received by this department's underwriting section prior to any injury incurred by the athlete.

(e) Agreement will be for one season only commencing with the assigning of the player to a particular team. A separate agreement and certification must be on file for each additional season.

Failure to meet all of these requirements will result in the athlete being considered a Washington worker for premium and benefit purposes until such time as all requirements have been met.

Professional sports teams who are domiciled outside the state of Washington and who participate in sporting events with Washington-domiciled teams are not subject to Washington industrial insurance for their team members while in this state. These out-of-state teams are not considered

employers subject to Title 51 on the basis that they are not conducting a business within this state.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Special trucking industry rules.** The following subsection shall apply to all trucking industry employers as applicable.

(a) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(b) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(c) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(i) Must be engaged exclusively in interstate or foreign commerce.

(ii) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(iii) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (i), (ii), and (iii) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(d) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(i) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).

(ii) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(iii) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(iv) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(v) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(vi) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

- The individual must be hired in Washington or must have been transferred to Washington; and
- The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

(4) **Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with (d) of this subsection are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(a) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(i) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(ii) "Work day" shall mean any consecutive twenty-four-hour period.

(b) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

(i) The name of each worker;

(ii) The Social Security number of each worker;

(iii) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;

(iv) The basis upon which wages are paid to each worker;

(v) The number of units earned or produced for each worker paid on a piece-work basis;

(vi) The risk classification(s) applicable to each worker;

(vii) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-31021. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(viii) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(ix) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (b)(viii) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(x) The workers' total gross pay period earnings;

(xi) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(xii) The net pay earned by each such worker.

(c) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and cancelled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(d) Recordkeeping - estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in (b) and (c) of this subsection, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(i) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(ii) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (d)(i) of this subsection.

(e) Reporting requirements and premium payments.

(i) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (e)(iii) of this subsection. Employers reporting under the provisions of (e)(iii) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(I) The employers' unified business identification account number (UBI).

(II) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(III) The total contract award.

(IV) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(V) Physical location/site where the work will be performed including legal description.

(VI) Number of acres covered by the contract.

(VII) Dates during which the work will be performed.

(VIII) Estimated payroll and hours to be worked by employees in performance of the contract.

(ii) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (e)(i) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work is not completed within a calendar quarter, interim quarterly reports and premium payments are required for each contract for all work done during the calendar quarter. The first such report and payment is due at the end of the first calendar quarter in which the contract work is begun. Additional interim reports and payments will be submitted each quarter thereafter until the contract is completed. This will be consistent with the quarterly reporting cycle used by other employers. Premiums for a calendar quarter, whether reported or not, shall become due and delinquent on the day immediately following the last day of the month following the calendar quarter.

(iii) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(f) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(g) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(h) Forest, range, or timber land services contract release - verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The department will notify the contractor, and the entity that awarded the contract, of the status of the contractors' account immediately after verification. The landowner, firm, or contractors' premium liability will not be released until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(i) Premium liability - work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

(I) The name of the contractor who has been engaged to perform the work;

(II) The contractor's UBI number;

(III) The contractor's farm labor contractor number;

(IV) The total contract award;

(V) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;

(VI) Location where the work is to be performed;

(VII) A contact name and phone number of the person, firm, or corporation who let the contract;

(VIII) The total estimated wages to be paid by the contractor and any subcontractors;

(IX) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;

(X) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(j) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries
Reforestation Team 8
P.O. Box 44168
Tumwater, Washington 98504-4168

(k) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

(5) **Logging and/or tree thinning—Mechanized operations—Industry rule.** The following subsection shall apply to all employers assigned to report worker hours in risk classification 5005, WAC 296-17-66003.

(a) Every employer having operations subject to risk classification 5005 "logging and/or tree thinning - mechanized operations" shall have their operations surveyed by labor and industries insurance services staff prior to the assignment of risk classification 5005 to their account. Annual surveys may be required after the initial survey to retain the risk classification assignment.

(b) Every employer as a prerequisite of being assigned risk classification 5005 and having exposure (work hours) which is reportable under other risk classifications assigned to the employer shall be required to establish a separate subaccount for the purpose of reporting exposure (work hours) and paying premiums under this risk classification (5005). Except as otherwise provided for in this rule, only exposure (work hours) applicable to work covered by risk classification 5005 shall be reported in this subaccount. In the event that the employer's only other reportable exposure (work hours) is subject to one of the standard exception risk classifications, or the shop or yard risk classification then all exposure (work hours) will be reported under a single main account.

(c) Every employer assigned to report exposure (work hours) in risk classification 5005 shall supply an addendum report with their quarterly premium report which lists the name of each employee reported under this classification during the quarter, the Social Security number of such worker, the piece or pieces of equipment the employee operated during the quarter, the number of hours worked by the employee during the quarter, and the wages earned by the employee during the quarter.

(6) **Special drywall industry rule.**

(a) **What is the unit of exposure for drywall reporting?** Your premiums for workers installing and finishing drywall (reportable in risk classifications 0540, 0541, 0550, and 0551) are based on the amount of material installed and finished, not the number of hours worked.

The amount of material installed equals the amount of material purchased or taken from inventory for a job. No deduction can be made for material scrapped (debris). A deduction is allowed for material returned to the supplier or inventory.

The amount of material finished for a job equals the amount of material installed. No deduction can be made for a portion of the job that is not finished (base layer of doubleboard application or unfinished rooms).

Example: Drywall installation firm purchases 96 4' x 8' sheets of material for a job which includes some double-wall installation. The firm hangs all or parts of 92 sheets, and returns 4 sheets to the supplier for credit. Drywall finishing firm tapes, primes and textures the same job. Both firms should report 2,944 square feet (4 x 8 x 92) for the job.

(b) **I do some of the work myself. Can I deduct material I as an owner install or finish?** Yes. Owners (sole proprietors, partners, and corporate officers) who have not elected coverage may deduct material they install or finish.

When you as an owner install (including scrap) or finish (including tape and prime or texture) only part of a job, you may deduct an amount of material proportional to the time you worked on the job, considering the total time you and your workers spent on the job.

To deduct material installed or finished by owners, you must report to the department by job, project, site or location the amount of material you are deducting for this reason. You must file this report at the same time you file your quarterly report:

Total owners hours ÷ (owners hours + workers hours) = % of owner discount.

% of owner discount x (total footage of job − subcontracted footage, if any) = Total owner deduction of footage.

(c) **Can I deduct material installed or finished by subcontractors?** You may deduct material installed or taped by subcontractors you are not required to report as your workers. You may not deduct for material only scrapped or primed and textured by subcontractors.

To deduct material installed or taped by subcontractors, you must report to the department by job, project, site or location the amount of material being deducted. You must file this report at the same time you file your quarterly report. You must have and maintain business records that support the number of square feet worked by the subcontractor.

(d) **I understand there are discounted rates available for the drywall industry. How do I qualify for them?** To qualify for discounted drywall installation and finishing rates, you must:

(i) Have an owner attend two workshops the department offers (one workshop covers claims and risk management, the other covers premium reporting and recordkeeping);

(ii) Provide the department with a voluntary release authorizing the department to contact material suppliers directly about the firm's purchases;

(iii) Have and keep all your industrial insurance accounts in good standing (including the accounts of other businesses in which you have an ownership interest), which includes fully and accurately reporting and paying premiums as they come due, including reporting material deducted as owner or subcontractor work;

(iv) Provide the department with a supplemental report (filed with the firm's quarterly report) showing by employee the employee's name, Social Security number, the wages paid them during the quarter, how they are paid (piece rate, hourly, etc.), their rate of pay, and what work they performed (installation, scrapping, taping, priming/texturing); and

(v) Maintain accurate records about work you subcontracted to others and materials provided to subcontractors (as required by WAC 296-17-31013), and about payroll and employment (as required by WAC 296-17-35201).

The discounted rates will be in effect beginning with the first quarter your business meets all the requirements for the discounted rates.

Note: If you are being audited by the department while your application for the discounted classifications is pending, the department will not make a final decision regarding your rates until the audit is completed.

(e) **Can I be disqualified from using the discounted rates?** Yes. You can be disqualified from using the discounted rates for three years if you:

(i) Do not file all reports, including supplemental reports, when due;

(ii) Do not pay premiums on time;

(iii) Underreport the amount of premium due; or

(iv) Fail to maintain the requirements for qualifying for the discounted rates.

Disqualification takes effect when a criterion for disqualification exists.

Example: A field audit in 2002 reveals that the drywall installation firm underreported the amount of premium due in

the second quarter of 2001. The firm will be disqualified from the discounted rates beginning with the second quarter of 2001, and the premiums it owed for that quarter and subsequent quarters for three years will be calculated using the nondiscounted rates.

If the drywall underwriter learns that your business has failed to meet the conditions as required in this rule, your business will need to comply to retain using the discounted classifications. If your business does not comply promptly, the drywall underwriter may refer your business for an audit.

If, as a result of an audit, the department determines your business has not complied with the conditions in this rule, your business will be disqualified from using the discounted classifications for three years (thirty-six months) from the period of last noncompliance.

(f) **If I discover I have made an error in reporting or paying premium, what should I do?** If you discover you have made a mistake in reporting or paying premium, you should contact the department and correct the mistake. Firms not being audited by the department who find errors in their reporting and paying premiums, and who voluntarily report their errors and pay any required premiums, penalties and interest promptly, will not be disqualified from using the discounted rates unless the department determines they acted in bad faith.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-35203, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073. 02-09-093, § 296-17-35203, filed 4/17/02, effective 7/1/02. Statutory Authority: RCW 51.16.035. 01-23-059, § 296-17-35203, filed 11/20/01, effective 1/1/02; 99-18-068, § 296-17-35203, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-35203, filed 8/28/98, effective 10/1/98.]

WAC 296-17-501 Classification 0101.

0101-00 Land clearing: Highway, street and road construction, N.O.C.

Applies to contractors engaged in clearing right of ways for subsurface construction on a new or existing highway, street, or roadway project that is not covered by another classification (N.O.C.). The subsurface is the roadbed foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is a compressed gravel road, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees which is to be reported separately in the applicable logging classification; and logging road construction which is to be reported separately in classification 6902.

0101-01 Land clearing: Airport landing strips, runways and taxi ways; alleys and parking lots

Applies to contractors primarily engaged in clearing right of ways for subsurface construction on a new or existing airport landing strip, runway, and taxi way. This classification also includes clearing of right of ways for alley and parking lot projects. The subsurface is the foundation consisting of dirt, sand, gravel and/or ballast which has been leveled and compressed. Unless the finished project is compressed gravel, the subsurface or sub base is constructed prior to any asphalt or concrete paving activities. Work contemplated by this classification involves the excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, earth excavation, cut and fill work, and bringing the roadbed or project site to grade. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders, rollers, and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; and felling of trees which is to be reported separately in the applicable logging classification.

0101-02 Excavation work, N.O.C.

Applies to contractors engaged in general excavation work for others that is not covered by another classification (N.O.C.). Work contemplated by this classification involves excavating or digging of earth to form the foundation hole such as for a wood-frame or nonwood-frame building and side sewer hookups (street to house) when performed as part of the excavation contract. Activities include, but are not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cut and fill work, backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210 and felling of trees which is to be reported separately in the applicable logging classification.

0101-03 Grading work, N.O.C.

Applies to contractors engaged in various forms of grading work for others that are not covered by another classification (N.O.C.). Typical equipment used is a grader, but other equipment such as a bulldozer and a front end loader may also be used. Work contemplated by this classification includes, but is not limited to, leveling and grading lands, spreading dirt, sand, gravel and/or ballast to desired contour on farm lands or other tracts of land.

0101-04 Land clearing, N.O.C.

Applies to contractors engaged in general land clearing work that is not covered by another classification (N.O.C.).

This classification includes, but is not limited to, excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth to rearrange the terrain, earth excavation, cut and fill work, backfilling, and slope grooming. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, scrapers, bulldozers, graders and dump trucks.

This classification excludes felling of trees which is to be reported separately in the applicable logging classification.

0101-16 Railroad line: Construction, maintenance and repair, N.O.C.

Applies to contractors engaged in the construction, maintenance and repair of railroad tracks not covered by another classification (N.O.C.), including the dismantling of track and the sale of salvaged track metal and ties. Work contemplated by this classification includes all operations on new or existing main lines, side tracks and spurs to industrial properties. This classification includes, but is not limited to, the laying of rock or ballast, laying of ties and track, installation of crossover frogs and switches, erection of switch stands and switch mechanism, erection of cattle guards, the placing of grade crossing planks, and similar activities related to the laying or relaying of railroad lines and also includes the dismantling of railroad main lines, side tracks and spurs to include track, ties, etc., and the subsequent storage and sale of salvaged material after the railroad line is dismantled.

This classification excludes asphalt surfacing/resurfacing and all concrete construction work which is to be reported separately in the applicable asphalt or concrete construction classification; logging railroad construction which is to be reported separately in classification 6902; and the construction, maintenance, or repair of an elevated railway which is to be reported separately in classification 0508.

0101-17 Retaining wall: Construction or repair when done in connection with road, street and highway construction, N.O.C.

Applies to contractors engaged in the construction or repair of retaining walls in connection with highway, street, or roadway projects that are not covered by another classification (N.O.C.). Retaining walls are often constructed to protect against potential problems such as earth slides or erosion of banks alongside a roadway or overpass. Work contemplated by this classification involves large scale excavation to contour a specific area of earth serving as a retaining wall. Activities include, but are not limited to, excavation, clearing, cut and fill work, backfilling, grading and slope grooming. Fill material used may include dirt, sand, stone or boulder. Equipment used by contractors subject to this classification includes, but is not limited to, scrapers, bulldozers, graders, backhoes and dump trucks.

This classification excludes asphalt surfacing or resurfacing on roadways which is to be reported separately in classification 0210; concrete construction which is to be reported separately in the applicable concrete construction classification; construction specialty services such as the installation of guardrails, lighting standards and striping which is to be reported separately in classification 0219; bridge or tunnel construction including the abutments and approaches which is to be reported separately in classification 0201; felling of trees by chain saw which is to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and tunnels and approaches including lining, cofferdam work, shaft sinking and well digging with caissons which is to be reported separately in classification 0201.

0101-36 Tree care and pruning services, N.O.C.

Applies to specialist contractors engaged in providing a variety of tree care services such as tree topping and tree pruning that are not covered by another classification (N.O.C.). Work contemplated by this classification generally takes place in residential areas, parking lots, business parks, shopping malls, or settings adjacent to nonforestry or timberland roadways. A primary purpose of this work is to remove tree or branch hazards from power lines, structures, or buildings. This classification includes, but is not limited to, incidental ground operations such as picking up branches and limbs, operating mobile chip machines used in connection with a tree care service, spraying or fumigating of trees, debris removal and stump removal when conducted by employees of an employer subject to this classification.

This classification excludes tree care services done in connection with an orchard operation which is to be reported separately in classification 4803 when performed by orchard employees; tree care services done in connection with a nursery operation which is to be reported separately in classification 4805; tree care services done in connection with a public or private forest or timberland which is to be reported separately in classification 5004; tree care services done in connection with a Christmas tree farm operation which is to be reported separately in classification 7307; and felling trees which is to be reported separately in classification 5001.

0101-37 Soil remediation

Applies to establishments engaged in various types of remediation of soil contaminated with hazardous or toxic materials. Soil remediation can take place at the site of the contamination, or the contaminated soil may be hauled to another area for remediation. This classification also includes oil spill cleanup on land. Equipment used will include backhoes and front end loaders, as well as other types of dirt moving equipment.

The methods used for soil remediation include, but are not limited to,:

- Bio-remediation: Contaminated soil is mixed with nutrients, sawdust, and various other additives. Naturally occurring bacteria in the soil break down the pollutants.

- Encapsulation: Contaminated soil is enclosed in some type of protective material to prevent drainage into surrounding soil.

- Excavation and hauling to an approved disposal site.

- Hot air vapor extraction: A burner unit is mounted on a trailer. Contaminated soil is arranged in layers on which an aluminum perforated pipe system is placed at 2' intervals, with a return pipe on the top layer. The soil stack is enclosed in visqueen, then hot air is pumped into the piping system which creates the steam that is recycled through the system and carries the contaminants back through the catalytic burner. Because of the catalytic action there are virtually no contaminants exhausted into the atmosphere.

- Soil vapor extraction: A series of holes are bored in the ground and vacuum pumps are used to suck the trapped gases which are drawn through carbon filters for decontamination.

- In situ vitrification: Graphite electrodes are fed into contaminated soil at a specified rate, where high voltage "melts" the organic and inorganic materials in the soil and forms a solid, glasslike substance.

- Land farming: Contaminated soil is deposited and spread out by a farm type spreader on an area of ground dedicated for this purpose. Chemical or manure fertilizer is added to provide a medium for naturally occurring bacteria to thrive. (This part is similar to bio-remediation.) The soil is turned frequently by tillers or rototillers to assist in the aeration of the soil and in the growth of the bacteria. It may take anywhere from a month to two years to cleanse the soil, depending on the volatility of the contaminants. This method is used particularly with soil that is heavily contaminated with oil.

- Mobile incineration: Contaminated soil is loaded onto a conveyor belt which carries it into the hopper of a mobile unit mounted on a lowboy trailer. The unit is heated to burn off the contaminants in the soil. The mobile unit contains a type of dust-collecting mechanism which filters out gases and other nondesirable elements so only clean air enters the atmosphere as the refreshed soil is produced. There are various methods of mobile incineration, but the general process and the end result are similar.

- Thermal disabsorption: A process similar to mobile incineration.

- Stabilization: Concrete landfill cells are created by mixing cement with refuse or other contaminated soil to stabilize the material and reduce the seepage into the surrounding soil.

This classification excludes oil spill cleanup involving diking or ditching work which is to be reported separately in classification 0201.

0101-39 Pool or pond excavation
Placement of pool or pond liners

Applies to contractors engaged in the excavation of pools or ponds. Work contemplated by this classification involves excavating or digging of earth to form the hole such as for a swimming pool or pond. Work contemplated by this classification includes excavation of rocks and boulders, removal of tree stumps, clearing or scraping land of vegetation, grubbing, piling or pushing of earth, earth excavation, cutting, filling or backfilling, etc. Equipment used by contractors subject to this classification includes a variety of earth moving equipment such as, but not limited to, shovels, bulldozers, backhoes and dump trucks. This classification includes the placement of plastic pool and pond liners provided it is not in connection with concrete work.

This classification excludes concrete construction which is to be reported separately in the applicable concrete construction classification.

0101-40 Mowing or chemical spraying of roadway median strips, roadsides, and/or power line right of ways

Applies to contractors engaged in mowing, grooming, picking up litter, and chemical spraying of roadway median strips and edges, roadsides, and power line right of ways. Work contemplated by this classification includes spraying chemicals to control weeds and unwanted vegetation, tall grass, brush, brambles and tree seedlings as part of a roadway, roadside or right of way maintenance contract. Equipment used by contractors subject to this classification includes, but is not limited to, a variety of equipment such as backhoes, tractors, push mowers, brush mowers, weed eaters, as well as hand tools such as machetes, sickles, and pruners.

This classification excludes mowing and/or grooming of roadway median strips, roadsides, and power line right of ways when performed by employees of cities, counties, state agencies, or other municipalities which is to be reported in the classification applicable to the type of municipality performing the work; forest, timber or range land contract work which is to be reported separately in the classification applicable to the work being performed; and the felling and removal of trees by chain saw which is to be reported separately in classification 5001.

***Special note*:** Classification 0301, "landscape construction," and classification 0308, "landscape maintenance," are not to be assigned to mowing and/or grooming of roadway median strips, roadsides, and power line right of ways.

0101-41 Logging machine operators

This classification applies to employees of a logging company that does not qualify as a mechanized operation but operates equipment such as a feller buncher, processor, forwarder, skidder, log loader, or tower and who are in a protective cab. This classification also applies to firms who contract with logging firms to provide such equipment and operators to a logging side. The operator does not leave the cab to perform duties as part of the logging operation. Equipment used by employers subject to this classification are required to meet WISHA guidelines for roll over protection standards (ROPS) and falling object protection standards (FOPS).

This classification does not allow a division of an employee's work hours between this classification and any other classification during a work shift.

This classification excludes all logging activities being performed on the ground which are to be reported separately in classification 5001.

***Special note*:** This classification does not apply to classification 5005 "logging and/or tree thinning - mechanical operations" whereby logging activities are performed exclusively by machine and no employees are on the ground.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-501, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-501, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-501, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-501, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-051, § 296-17-501, filed 5/27/94, effective 7/1/94; 93-12-093, § 296-17-501, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-501, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-501, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-501, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-501, filed 11/30/79, effective 1/1/80; Order 76-36, § 296-17-501, filed 11/30/76; Order 75-38, § 296-17-501, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-501, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-501, filed 11/9/73, effective 1/1/74.]

WAC 296-17-519 Classification 0504.

0504-06 Waterproofing, N.O.C.: Buildings or structures

Applies to contractors engaged in waterproofing buildings or structures not covered by another classification (N.O.C.). This classification includes the application and repair services of waterproofing material to all types of buildings or structures, regardless of height, including, but not limited to, foundations and foundation walls, floors, decks, fences, walkways and driveways. Waterproof material is applied to a variety of surfaces such as wood, concrete, asphalt, steel, metal, plaster, or stone. There are several types of waterproof processes: Membrane, which adheres long strips of rubber and pumice to exterior walls or foundations with the use of primer; pressure injection, which uses a long wand inserted into the ground to fill cracks; epoxy injection, which is performed on the interior or exterior with use of a caulk gun to inject a silicon material into cracks; or application with use of a brush, roller or spray directly onto the surface. This classification includes the application of asphalt sealant to driveways.

This classification excludes excavation work performed in conjunction with a waterproofing contract which is to be reported separately in classification 0101; waterproofing operations performed in connection with roofing or subaqueous work which is to be reported separately in the classification applicable to the work being performed; the application of asphalt sealant or waterproof materials to roadways and parking lots which is to be reported separately in classification 0219; and the application of waterproof materials performed by a concrete contractor as part of the concrete construction project which is to be reported separately in the classification applicable to the work being performed.

***Special note*:** Classification 0101 applies when excavation work is performed (to remove dirt away from a foundation wall or to push it against the wall after the waterproofing material is applied) regardless of the type of contractor performing the excavation work.

0504-18 Pressure washing services or sandblasting, N.O.C.: Buildings or structures

Applies to contractors engaged in pressure washing or sandblasting buildings or structures, not covered by another classification (N.O.C.). This classification includes cleaning, washing, pressure washing or sandblasting buildings or structures. These services are performed to remove dirt, moss, rust or old paint from buildings or structures. Pressure washing involves a forced spray of air and water to remove unwanted surface materials, whereas, sandblasting, or abrasive blasting, involves a forced spray of sand, steel, or glass. This classification includes the cleaning of roofs, gutters, and downspouts, and the removal of moss or snow from multiple story buildings. Pressure washing and sandblasting systems include portable blast and pressure cleaning machines, hand-operated, cabinet-type sandblasting or pressure washing machines, automatic blast or pressure cleaning machines and wet-blast cleaning machines.

This classification excludes contractors engaged in multimedia blasting in shop which is to be reported separately in classification 3402; pressure washing or sandblasting by a painting contractor as a part of the preparation for painting exterior buildings, structures, or the interior/exterior of tanks which is to be reported separately in the classification 0504-21; pressure washing as a part of interior building painting contracts which is to be reported separately in classification 0521; cleaning or washing roofs, or removing snow from, single story buildings (provided the cleaning or washing is not part of a painting or roofing contract) which is to be reported separately in classification 6602; waterproofing buildings or structures, N.O.C. which is to be reported separately in classification 0504-06; and pressure washing or sandblasting operations performed in conjunction with and as a part of another type of business such as a foundry, metal goods manufacturer, auto body repair shop, etc., which is to be reported separately in the applicable classification.

0504-20 Lead abatement

Applies to contractors engaged in lead abatement which is performed on structures where there are significant amounts of lead-based paint and lead dust. Contractors must comply with various governmental regulations. The first step in all lead abatement projects is the preliminary testing of the site to determine the presence of lead and the extent of the contamination. If the ground surrounding the proposed worksite is contaminated, it will require remediation, which is done by a soil remediation contractor who is to be reported separately in the appropriate classification. The next step is deciding which abatement procedure is right for the project such as: Encapsulation which is used on interior surfaces to seal the lead-based paint with a bonding material; enclosure which is used on interior and exterior surfaces and involves constructing special airtight enclosures made out of gypsum wallboard, plywood paneling, aluminum, vinyl or wood exterior sidings; component replacement which involves removing building components such as paneling, moldings, windows and doors which are coated with lead-based paint and replacing them with new components; and chemical removal, abrasive removal or handscraping which are methods to physically remove the lead paint. This classification includes all preparation work and all cleanup work.

This classification excludes soil remediation work which is to be reported separately in classification 0101; asbestos abatement which is to be reported separately in classification 0512; and lead abatement as part of a painting contract for interior/exterior of buildings or structures, or the interior/exterior of tanks which is to be reported separately in the applicable classification.

0504-21 Painting: Exterior buildings or structures, N.O.C.; Cleaning: Interior/exterior of oil or gas storage tanks, beer vats, and sewage treatment tanks

Applies to contractors engaged in painting the exterior of all types of buildings or structures not covered by another classification (N.O.C.), regardless of height. Buildings and structures include, but are not limited to, bridges, towers, smokestacks, stadiums, factories, warehouses, stores, churches, and residential or commercial single or multiple story buildings. Paint is applied by brush, roller or spray to a variety of surfaces such as wood, concrete, steel, metal, plaster, stone, or other types of exterior surfaces. This classification includes all preparation work such as the set up of scaffolding or power lifts, pressure washing, removal of old paint or asbestos, sandblasting, taping or masking, and cleanup work. This classification also applies to cleaning, coating, or

painting the interior/exterior of oil or gas storage tanks, beer vats, or sewage treatment tanks.

This classification excludes contractors engaged in waterproofing buildings or structures, N.O.C. which are to be reported separately in classification 0504-06; pressure washing services or sandblasting of buildings or structures which are to be reported separately in classification 0504-18; interior painting of buildings which is to be reported separately in classification 0521; painting of murals or other artwork on the interior of buildings which is to be reported separately in classification 4109; and painting of murals or other artwork on the exterior of buildings which is to be reported separately in classification 0403.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-519, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-519, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-519, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-519, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-063, § 296-17-519, filed 5/30/94, effective 6/30/94; 90-13-018, § 296-17-519, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-519, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-519, filed 5/31/88, effective 7/1/88; 85-24-032 (Order 85-33), § 296-17-519, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-519, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-519, filed 11/29/82, effective 1/1/83; Order 76-36, § 296-17-519, filed 11/30/76; Order 73-22, § 296-17-519, filed 11/9/73, effective 1/1/74.]

WAC 296-17-52001 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-17-521 Classification 0508.

0508-00 Radio, television, cellular or water towers, poles and towers, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel, or wood radio, television, cellular or water towers, poles, towers and those towers which are not covered by another classification (N.O.C.). Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the foundation/excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place, and the installation, removal, service and/or repair of antennas, dish units and/or other transmitting/receiving apparatus to the structure. This classification also includes the delivery of material and supplies to the job site when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work. This classification includes specialty contractors who install, remove, service or repair antennas, dish units and/or other transmitting/receiving apparatus to a structure covered by this classification.

0508-01 Smokestack: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or concrete smokestacks. These structures are part of an industrial complex and facilitate the discharge of combustion vapors, gases, or smoke. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, installation of scaffolding, raising segments into place with a crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of any apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work.

0508-02 Windmill and silo: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of iron, steel or wood windmills or silos. Windmills use the force of wind passing around the rotor blades to turn turbines and produce electric power. These may be built individually or in groups known as "wind farms." Additional apparatus and storage batteries are housed in separate buildings nearby. Silos are large cylindrical structures used to store grain or fodder (silage). They are filled through the top by means of a conveyor. Within the structure, augers and pumps can move the grain to blend, aerate, or feed it out the chute. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job

site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow the separate reporting of excavation or foundation work irrespective of who performs the work.

0508-03 Oil still or refinery: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of oil stills or refineries. These facilities are basically composed of multistory storage tanks, chimneys, pipelines, separating apparatus and steam generating systems. They receive unprocessed petroleum (crude oil) and convert it into usable products such as gasoline, kerosene, wax, grease and chemical feed stocks. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation and other concrete, on-site fabrication and assembly of parts, erecting framework, installation of scaffolding, raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus in an oil still or refinery when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of control or pump houses and other buildings not part of the main processing plant which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow separate reporting of excavation or foundation work irrespective of who performs the work and plant maintenance contract work which is to be reported separately in classification 0603.

0508-04 Blast furnace and metal burners: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of blast furnaces and metal burners. These are tall, very heavy gauge, cylindrical steel structures in which heated air and combustible fuels are combined to produce the heat necessary to separate the usable material in metal ores from the waste products. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, installation of a brick lining, raising structural members by crane and welding or bolting into place. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of additional buildings as part of an ore reduction or metal producing facility which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-08 Elevated railway, tram, lift or similar conveyances: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of elevated railways, trams, lifts or similar conveyances. An elevated railway can be a full scale railroad or a smaller scale system such as a recreational monorail. For the purposes of this classification, trams are overhead cable cars, and lifts are similar to the typical ski lift. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting frames and supports (metal or concrete), installation of scaffolding, raising structural members by crane and welding or bolting them into place, and installing and securing tracks, cables or pulley systems. This classification includes the delivery of material and supplies to the job site and the installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported sep-

arately in the applicable classification; or the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-09 Exterior tanks, N.O.C.: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of all types of exterior tanks not covered by another classification (N.O.C.). These tanks may be part of water storage and distribution systems, chemical or petroleum processing and storage operations, or other industrial applications. This classification includes the erection or construction of tanks that are elevated on structural piers and those that rest on the ground. These tanks may be constructed singly or in groups known as "tank farms" which are common to the petroleum industry. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, and raising structural members by crane and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classification; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of a control building or installation of a modular control building which is to be reported separately in the applicable construction classification.

***Special note*:** This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-11 Crane or derrick: Installation, construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the installation, construction or erection, dismantling, maintenance or repair of nonmobile cranes and derricks for commerce and industrial use. Cranes and derricks can be very similar in that they are both defined as machines for hoisting and moving heavy objects through the use of stationary or movable booms equipped with cables. An object, sometimes weighing many tons, can be secured to the cables and moved into position along the length of a stationary boom or to another location within the reach of a movable boom. A derrick, however, can also be a permanent framework over an opening, such as an oil-drilling operation, to support boring equipment. The cranes included in this classification are those that are permanently installed at a marine port, cargo handling facility or an industrial facility to move supplies, cargo containers, or heavy objects (vertically or horizontally) that are being assembled and must pass through the length of a building to complete the process. Work contemplated by this classification includes, but is not limited to, the placement of forms and reinforcing steel for a foundation (in the case of some structures described above, the additional reinforcing required to support the crane is usually contemplated in the plan for the building's foundation where the crane is being anchored), on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by hoist and welding or bolting them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the operation of mobile cranes which is to be reported in classification 3506, the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; and delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification.

***Special note*:** This classification does not allow separate reporting of excavation or foundation contractors irrespective of who performs the work.

0508-12 Water cooling towers or structures - metal or wood: Construction or erection, dismantling, maintenance or repair

Applies to contractors engaged in the construction or erection, dismantling, maintenance or repair of metal or wood water cooling towers or vertical structures. These structures are usually part of an industrial complex in which water is used as a cooling element in a manufacturing process. The water, which absorbs heat from the machinery being cooled, can be circulated and reused after is has been channeled through a cooling tower to be chilled sufficiently. A common design allows the hot water to tumble down numerous open louvers or steps to lower its temperature. These towers are often composed of prefabricated parts which are delivered to the site and then assembled by bolting or welding together, then the necessary motors, pipes, fans and pumps are installed. Work contemplated by this classification includes, but is not limited to, clearing of land (if done by the excavation contractor), excavating for the foundation, the placement of forms, installation of reinforcing steel, pouring and finishing the foundation, on-site fabrication and assembly of parts, erecting the frame, installation of scaffolding, raising structural members by crane and welding, bolting or otherwise fastening them into place. This classification includes the delivery of material and supplies to the job site and installation of apparatus onto a structure covered by this classification when done by employees of an employer having operations subject to this classification.

This classification excludes the felling of timber which is to be reported separately in the applicable logging classifica-

tion; the installation of machinery which is to be reported separately in classification 0603; the preliminary clearing of land by a contractor who is not also excavating for the foundation which is to be reported separately in classification 0101; delivery of material to the site by employees of a material supplier or a common carrier which is to be reported separately in the applicable classification; and the construction of other related buildings at the project site which is to be reported separately in the applicable construction classification.

***Special notes*:** This classification does not allow separate reporting of excavation or foundation irrespective of who performs the work. Construction of a water cooling structure that uses a horizontal rather than tower-like design is to be reported separately in classification 0518.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-521, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-521, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-521, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-521, filed 5/31/93, effective 7/1/93; 89-24-051 (Order 89-22), § 296-17-521, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-521, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-521, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-521, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-521, filed 11/29/82, effective 1/1/83; Order 76-36, § 296-17-521, filed 11/30/76; Order 75-38, § 296-17-521, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-521, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-521, filed 11/9/73, effective 1/1/74.]

WAC 296-17-52108 Classification 0516.

0516-00 Building repair and carpentry, N.O.C.

Applies to contractors engaged in building repair and carpentry work, not covered by another classification (N.O.C.). This classification applies to carpentry-related framing work on concrete, brick and steel buildings, and to wood framed building renovation and remodeling projects where the structure is not being modified or altered. Typical projects include, but are not limited to: Interior building demolition ("strip outs") involving only the removal of interior walls, partitions and related construction materials; converting a room from one use to another, such as a bedroom to a study, or a garage to a family room; enlarging or changing the configuration of a room by removing or adding an interior wall; upgrading a kitchen or bathroom; or adding structures such as a wooden deck to an existing building, screening a porch, installing a wood patio cover, or assembling sheet metal tool or garden sheds. Contractors subject to this classification use a variety of dimensional lumber and wood products as well as metal fasteners (nails, screws and bolts), and metal reinforcing or support straps such as joist hangers and post brackets. Technological changes have produced new materials which are replacing wood and wood products. These materials include, but are not limited to, light weight metal studs and plastic and fiber reinforced boards. This classification includes the framing of private residences with light weight metal studs and the installation of earthquake tie downs on residential buildings. This classification also includes specialty service providers or contractors engaged in providing general repair services (handyman) on buildings and dwellings. Classification 0516-00 can be used for these businesses to simplify recordkeeping and reporting if they provide general carpentry work and at least two of the following types of *repair* work; electrical, plumbing, cabinet, interior alteration, painting, drywall, masonry, carpet/linoleum/laminate, glazing, or appliance repair.

This classification excludes roofing or roof work which is to be reported separately in classification 0507.

0516-01 Wood playground equipment: Installation and/or repair

Applies to contractors engaged in the installation and/or repair of wood playground equipment. Work contemplated by this classification begins after the area of land has been excavated and/or cleared and includes installing wood playground equipment at private residences and in public settings such as, but not limited to, schools, parks, day care centers, churches, and hotels. This classification usually includes a variety of playground equipment comprised of treated wood beams, poles, posts, and a variety of dimensional lumber used in building swings, forts, stationary and swinging bridges, balance beams, climbing towers, slides, and rope and tire walks. Generally, the process involves setting poles or posts with use of a post hole digger, backhoe or tractor equipped with an auger. The poles or posts may be set in concrete. Depending on the piece of equipment being built, use of beams, planks, dimensional lumber, rope, chains, tires, and metal bars or rings, are securely attached with nails, screws, bolts or eye hooks. This classification includes the building of borders surrounding the playground equipment area with beams or railroad ties and the spreading of pea gravel, sand or wood chips underneath the equipment.

This classification excludes the installation of metal playground equipment which is to be reported separately in classification 0603, and the excavation or clearing of land which is to be reported separately in classification 0101.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-52108, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-52108, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-52108, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-52108, filed 5/31/93, effective 7/1/93; 89-24-051 (Order 89-22), § 296-17-52108, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-52108, filed 5/31/88, effective 7/1/88.]

WAC 296-17-52109 Classification 0517.

0517-00 Factory built housing units: Set up by contractor or by employees of the manufacturer

Applies to the set up of factory built housing units such as mobile/manufactured homes, modular homes, or prefab cedar homes by contractors who work independently from a sales dealership or by employees of the manufacturer. This classification includes, but is not limited to, delivery of the factory built unit when performed by the set up contractor. The set up process includes placement of the unit or unit sections on blocks or foundations; joining the interior and exterior sections which may involve incidental placement of ridge cap, siding, trim boards, moldings, and interior seams; plumbing and electrical connections; and the installation of skirting, awnings or decks.

This classification excludes mobile home or factory built housing sales dealerships who set up and/or deliver the unit to a sales location or customer's site which are to be reported separately in classification 3415; the delivery of a mobile

home or other factory built housing unit by a trucking service which is to be reported separately in classification 1102; the pouring of foundations; and/or the construction of nonstructural sheet metal patio covers/carports, garages or storage sheds regardless if performed by employees of the set up contractor or by another contractor which is to be reported separately in the applicable classification.

0517-01 Building raising, moving and underpinning

Applies to contractors engaged in raising, moving and underpinning buildings. Work contemplated by this classification includes a variety of services involving the change of a building's elevation, location or support structure including incidental shoring and removal or rebuilding of walls, foundations, columns or piers. Employees of the contractor responsible for the overall completion of the project are to be reported in this classification. *Underpinning* is a process to correct wall cracks, foundation settling or collapse of a building or structure. Generally, underpinning involves one of two methods. In the first method, earth around a foundation is removed to permit construction of a new foundation to replace the old one or to allow for the installation of subfoundations to support the existing earth. This would include masonry or concrete work, blasting (when required) and shoring of surrounding ground and building or structure to prevent cave-ins while foundation work is being performed. The second method deals with steel or wooden beams being inserted through a lower point of the building or structure. The beams are raised and supported by jacks until the foundation is relieved of some or all of its ground pressure. *Building raising or moving* is a process to change a building's position, either raised to a new elevation in place or moved to a new site, or both. Workers, subcontractors or utility companies will first disconnect all utilities from the building or structure to be moved. Workers will remove all detachable items and open foundation walls to allow metal or wood beams to be placed under the floor structure. Once beams are placed, hydraulic jacks are used to lift the building or structure clear of the old foundation high enough for a new foundation to be constructed, or high enough to allow the carrying vehicle (trailer) to be placed under the beams if it is to be moved. The trailer is moved along a previously graded and cleared path to the new location. The building or structure is then set down on a new foundation which is usually constructed by a separate contractor. Miscellaneous repair work is performed and utilities are reconnected.

This classification excludes contractors engaged in clearing paths, grading and excavation work who are to be reported separately in classification 0101; contractors who disconnect or hook-up underground gas, water or power lines who are to be reported separately in classification 0107; contractors who construct concrete foundations for wood frame or nonwood frame buildings who are to be reported separately in classification 0217, or in classification 0518 as applicable; and contractors engaged in the delivery and set up of factory built housing units who are to be reported separately in classification 0517.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-52109, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-52109, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-52109, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 89-24-051 (Order 89-22), § 296-17-52109, filed 12/1/89, effective 1/1/90.]

WAC 296-17-52110 Classification 0518.

0518-00 Building construction, N.O.C.: Alterations and concrete construction, N.O.C.

Applies to contractors engaged in building construction, not covered by another classification (N.O.C.), including alterations. Work contemplated by this classification includes nonwood frame buildings and structures such as, but not limited to, waste treatment and waste disposal plants, fish hatcheries and stadiums in which the superstructure, skeleton framework, or building shell consists of concrete, iron or steel, or a combination of concrete, iron, steel and/or wood. This classification makes no distinction to the size of the structure or number of stories within the building and includes all concrete tilt-up buildings. Activities include, but are not limited to, the set up and tear down of forms, placement of reinforcing steel, rebar, or wire mesh, pouring and finishing concrete within the building or structure such as foundations, monolithic slabs, ground supported floor pads, precast or poured in place bearing floors or wall panels, columns, pillars, balconies, stairways, including the raising and/or standing of concrete tilt-up walls or precast floors and wall portions, and raising and securing metal frames or members into place using a crane or boom and securing by bolt, rivet or weld.

This classification excludes all other phases of construction which are not in connection with building the superstructure, skeleton framework, or building shell such as, but not limited to, site preparation and excavation which is to be reported separately in classification 0101; bridge or tunnel construction which is to be reported separately in classification 0201; pile driving which is to be reported separately in classification 0202; underground utilities and systems which is to be reported separately in the classification applicable to the work being performed; asphalt work which is to be reported separately in the classification applicable to the work being performed; concrete paving or flatwork not contained within the building which is to be reported separately in the classification applicable to the work being performed; new landscape construction which is to be reported separately in classification 0301; brick, block, granite, marble, slate or masonry work which is to be reported separately in classification 0302; plastering, stuccoing and lathing work which is to be reported separately in classification 0303; plumbing work which is to be reported separately in classification 0306; HVAC work which is to be reported separately in classification 0307; carpet and tile work which is to be reported separately in classification 0502; exterior painting which is to be reported separately in classification 0504; roof work which is to be reported separately in classification 0507; installation of glass panels, curtain walls or windows which is to be reported separately in classification 0511; installation of insulation, sound proofing or suspended acoustical ceilings which is to be reported separately in classification 0512; interior finish carpentry such as the installation of interior doors, cabinets, fixtures or molding which is to be reported separately in classification 0513; installation of overhead doors, garage doors which is to be reported sepa-

rately in classification 0514; installation of exterior doors and door frames, interior framing and carpentry work which is to be reported separately in classification 0516; installation of sheet metal siding or gutter work which is to be reported separately in classification 0519; interior building painting which is to be reported separately in classification 0521; electrical work which is to be reported separately in classification 0601; the installation of elevators and elevator door bucks which is to be reported separately in classification 0602; new dam construction projects which are to be reported separately in classification 0701; wood frame buildings which are to be reported separately in classification 0510; sheet metal tool sheds which are to be reported separately in classification 0516; brick or block buildings which are to be reported separately in classification 0302 and wallboard installation, taping or texturing which are to be reported separately in the applicable classifications.

0518-01 Metal carport: Erection

Applies to contractors engaged in the erection of metal carports such as those used for commercial parking lots. This classification includes raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the erection of nonstructural sheet metal patio cover/carports which is to be reported separately in classification 0519, and the erection of a wood carport which is to be reported separately in the applicable carpentry classification (see classification 0510 for additional information).

0518-02 Metal service station canopy: Erection

Applies to contractors engaged in the erection of metal service station canopies. Work contemplated by this classification includes, but is not limited to, raising and securing metal frames, members, or I-beams into place with a boom or crane and securing by bolt, rivet or weld.

This classification excludes the removal or installation of underground tanks which is to be reported separately in classification 0108, and the removal or installation of service station pumps which is to be reported separately in classification 0603.

0518-03 Building wrecking or demolition - iron, steel, concrete, or wood

Applies to contractors engaged in wrecking or demolishing iron, steel, concrete, or wood buildings or structures not covered by another classification. Work contemplated by this classification includes incidental sales of materials, burning or hauling away of debris, and incidental ground clearing activities at the site to permit other use of land. Wrecking and demolition involves barricading the site and walkways to keep nonconstruction workers out of the area to prevent possible injury to them. Guards, watchmen, and traffic controllers (flaggers) are on-site and in adjacent areas to keep work areas secure. Salvage of materials is usually done by hand. Loading of trucks with debris is by chute or front end loaders. Actual demolition of a building or structure is performed in a variety of ways, including dismantling board by board, by crane (pulling sections to the ground), by crane equipped with a steel ball which is swung from the boom of the crane, or by explosives. Employees of the contractor responsible for the overall completion of the project are to be reported in this classification.

This classification excludes security guards employed by contractors to guard the job site before or after the construction work activity hours who are to be reported separately in classification 6601; establishments primarily engaged in selling salvaged building materials which are to be reported separately in classification 2009; interior building demolition ("strip outs") which is to be reported separately in classification 0516; and all iron, steel, concrete, or wood building construction which is to be reported separately in the applicable classification.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-52110, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-52110, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-52110, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-52110, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-52110, filed 5/31/93, effective 7/1/93; 89-24-051 (Order 89-22), § 296-17-52110, filed 12/1/89, effective 1/1/90.]

WAC 296-17-527 Classification 0607.

0607-11 Household appliances: Installation, service and/or repair by nonstore service or repair company; dealers of used household appliances

Applies to establishments engaged in the installation, service and/or repair of electrical or gas household appliances and to dealers of used electrical or gas household appliances. Many establishments covered by this classification have small retail store operations where they offer reconditioned or second hand appliances for sale, a parts department, and an area where appliances brought into the shop are repaired. Although this classification deals primarily with service away from the shop, the store, parts department and shop operations are included within the scope of this classification. The term "household appliances" includes, but is not limited to, stoves, ovens, ranges, dishwashers, refrigerators, trash compactors, television sets, residential type garage door openers, washing machines, and clothes dryers. This classification also applies to the installation, service or repair of automated teller machines. Repair services provided by establishments subject to this classification may also include related smaller appliances such as video players, portable television sets, stereo systems, microwave and toaster ovens, blenders, coffee makers and mixers. The *servicing* of water softening systems, coffee and juice machines, and beer taps is also included in this classification.

This classification excludes dealers of new household appliances who are to be reported separately in classification 6306; installation, service, and/or repair of commercial appliances such as those used in laundries, bakeries, and restaurants which is to be reported separately in classification 0603; installation, service, and repair of commercial garage doors and openers which is to be reported separately in classification 0603; installation of water softening systems which is to be reported separately in classification 0306; and small table top or counter top appliance stores which are to be reported separately in classification 6406.

***Special note*:** Classification 0607 is distinguishable from classification 6306-02 operations in that appliance stores covered in classification 6306-02 are engaged primar-

ily in the sales of new appliances. Although classification 6306 includes repair of appliances, most repairs are related to warranty work and represent a minor part of the business. By contrast, the repair of appliances in classification 0607 is the primary activity of the business.

0607-16 Television antenna or satellite dish: Installation, removal, service and/or repair

Applies to establishments engaged in the installation, removal, service and/or repair of television antennas or satellite dish receiving units. Operations contemplated by this classification are limited to rooftop installation of television antennas or ground or rooftop-mounted satellite dish reception units. Establishments covered by this classification will generally employ technicians and installers to install systems and trouble shoot reception problems. Equipment is limited primarily to delivery trucks, vans, ladders, and small power and/or hand tools.

This classification excludes specialty contractors who install, remove, service or repair antennas, dish units, and/or other transmitting/receiving apparatus to a structure covered by classification 0508, who are to be reported separately in classification 0508; and establishments engaged in the sale of new console type and big screen televisions who also sell and install antennas which are to be reported separately in classification 6306.

0607-17A Safes or vaults, private mail boxes, or safe deposit boxes: Installation, removal, service and/or repair

Applies to contractors engaged in the installation, removal, service and/or repair of all types of safes or vaults regardless of size or application, private mail or postal boxes, or safe deposit box units within buildings. Safes and vaults are found in businesses such as, but not limited to, banks, jewelry stores, rare coin and stamp stores, grocery stores, and gasoline service stations, as well as in private residences. Services contemplated by this classification include, but are not limited to, safe opening services.

0607-17B Lock sets and/or dead bolt locks: New installation

Applies to the *new installation* of lock sets and/or dead bolt locks on buildings or structures by contractor or by employees of a locksmith. The term new installation applies to installing a lock set (locking doorknob) or a dead bolt where none previously existed. The process consists of measuring and marking where the unit is to be placed on the door, boring holes into the door to accept the lock set or dead bolt lock, and installing the lock set unit using a power drill and basic hand tools.

This classification excludes the installation of a *replacement* lock set or dead bolt lock unit by employees of a locksmith, and locksmith store operations which are to be reported separately in classification 6309.

0607-18A Window/door blinds, shades, curtains and drapes: Installation

Applies to contractors and employees of store operations who are engaged in the installation of indoor or outdoor window coverings, such as, but not limited to, blinds, shades, screens, exterior roll shutters and draperies or curtains, but does not include awnings. The process consists of marking the location of covering on the frame or opening, securing brackets or hardware, rods and poles, and installing the covering.

This classification excludes the installation of window and door awnings which is to be reported separately in the applicable classification, and the manufacture of coverings which is to be reported in the applicable classification.

***Special note*:** Care should be taken when considering the assignment of a store classification to an establishment engaged in the installation of coverings to verify that a store exists. It is common for establishments subject to this classification to have show rooms to help customers visualize covering products available for sale. These establishments have little or no product available for immediate sale, as most items are special order from the manufacturer. A bona fide window/door covering store will have a large assortment of coverings, as well as related home interior products such as, but not limited to, pillows, small rugs, and accent pieces, readily available for sale to customers.

0607-19 Advertising or merchandise display: Set up or removal within buildings by nonstore employees

Applies to contractors engaged in the set up or removal of advertising or merchandise displays within buildings for retail or wholesale store customers. Operations contemplated by this classification will vary from seasonal panoramas with extensive carpentry, painting, and art work to dressing mannequins to be displayed in store windows.

This classification also applies to establishments engaged in providing merchandising services N.O.C. for certain products without the responsibility of delivering them to the customer's place of business. Customers of these types of services are generally retail businesses assigned classifications 6304, 6305, or 6406 such as, but not limited to, gift, variety or department stores, dry goods stores, drug stores, news stands, book or video stores, and cosmetic stores. Merchandising services contemplated by this classification include, but are not limited to, taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves, and/or assembling temporary displays.

This classification excludes employees of store operations engaged in setting up displays who are to be reported separately in the applicable store classification as this is a common store activity, and merchandising establishments or employees who deliver products to their customer's place of business, and may also perform related merchandising functions, who are to be reported separately in classification 1101.

***Special note*:** The distinguishing factor between merchandising employees who may be reported in this classification and those who are to be reported in classification 1101-17 is the delivery of products to the customer's place of business. Any employee who delivers merchandise to the customer's place of business is to be reported in classification 1101.

0607-21 Meat slicer or grinder: Installation, service and/or repair

Applies to contractors and employees of equipment manufacturers engaged in the installation service and/or repair of meat cutting, slicing, or grinding equipment within

stores, restaurants, or processing plants. Repair may be performed at the customer's location or in a shop operated by an employer subject to this classification. This classification includes repair shops, field technicians, installers, and warehouse or parts department employees.

***Special note*:** Establishments subject to this classification generally do not have store operations. Equipment is generally ordered from the manufacturer or distributor and shipped to the customer's location where it will be installed. In the event that an establishment subject to this classification has a store operation it is included within classification 0607.

0607-22 Protective bumpers: Installation

Applies to contractors engaged in the installation of protective bumpers on structures such as, but not limited to, store loading docks for freight or cargo. Operations contemplated by this classification are limited to measuring the dock to be fitted with a rubber bumper, finish cutting or otherwise fabricating the rubber pieces to fit the required application, and fastening the dock bumper with the use of hand tools. Dock bumpers are made of rubber from recycled tires or similar pliable materials.

This classification excludes the manufacture of loading dock bumpers which is to be reported separately in the applicable manufacturing classification.

0607-23 Cellular phone systems or audio components: Installation in vehicles, service and repair

Applies to establishments engaged in the installation of cellular phone systems and/or audio components in vehicles. Audio components include, but are not limited to, radios and stereo systems, speakers and amplifiers, alarm systems, television units, antennas, two-way radio systems. This classification applies to installation employees of stores that sell products as well as to auto service centers that specialize in the installation of products covered by this classification.

This classification excludes retail and wholesale store operations which are to be reported separately in the applicable store classification.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-527, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-527, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-527, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-527, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-527, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-527, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-527, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-527, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-527, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-527, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-527, filed 11/9/73, effective 1/1/74.]

WAC 296-17-536 Classification 1101.

1101-04 Automobile delivery or repossessing

Applies to establishments engaged in delivering or repossessing individual automobiles for others. Generally, a client will contact the service company and arrange for a car to be delivered to a specific destination or request that a car of which they (client) is the legal owner, be repossessed and delivered to a specific location. In either case, a driver, not a motorized transportation service, does the delivery. Duties of employees subject to this classification are generally limited to unlocking vehicles and driving. It is common on long distance deliveries for the service company to use more than one driver. This classification also applies to drivers of sound trucks.

This classification excludes operation of tractor/trailer combinations to transport vehicles which is to be reported separately in classification 1102 or classification 1109, depending on the method of transporting.

1101-06 Delivery by retail and wholesale stores and distributors, N.O.C.

Applies to employees of retail and wholesale stores engaged in inter-store delivery, customer merchandise delivery when excluded from the store classification, and delivery not covered by another classification (N.O.C.). Employees subject to this classification are generally involved in loading and unloading delivery vans or trucks and driving from store to store, or from a store to a customer's location. Drivers may or may not have designated routes or delivery areas. This classification is not applicable to establishments engaged in general trucking services which are to be reported separately in classification 1102. Classification 1101 is distinguishable from delivery operations reported in classification 1102 in that businesses covered by classification 1102 generally do not own the merchandise they are transporting.

1101-09 Parcel delivery companies for delivery of small parcels

Applies to establishments engaged in the delivery of small parcels for others. Establishments subject to this classification may offer overnight express services, but usually do not deliver packages that exceed 150 pounds. Work contemplated by this classification includes, but is not limited to, driving, loading and unloading delivery vehicles. This classification also applies to contract mail delivery route drivers and contract hauling of mail between post offices.

This classification excludes the delivery of bulk freight such as that delivered by trucking companies which are to be reported separately in classification 1102.

1101-14 News agents or distributors of magazines, periodicals and telephone books - no retail dealers

Applies to establishments engaged in the distribution of newspapers, periodicals, and telephone books. Work contemplated by this classification includes, but is not limited to, driving, loading and unloading the vehicles, stocking shelves, and removing old periodicals from shelves.

1101-17 Driver delivery sales, N.O.C.

Applies to establishments engaged in route sales of a wide variety of merchandise not covered by another classification (N.O.C.), including, but not limited to, hand tools, automotive supply, and household items. Sales personnel deliver products, show samples and solicit further orders. They may also call on new customers along their route. The classification also applies to establishments or employees known as merchandisers who deliver products to their customer's place of business then perform related merchandising functions such as taking inventory of goods on hand, restocking, reordering, removing outdated or damaged merchandise from shelves or the premises, and/or assembling temporary displays which are usually made of lightweight material such as cardboard or plastic and used for promotional or seasonal

goods. These merchandisers often deal in products such as, but not limited to, greeting cards, over-the-counter medications, and grooming products.

This classification excludes employees of establishments who provide merchandising services, but who do not deliver products to the customer's place of business, who may be reported separately in classification 0607; and establishments engaged in the set up or removal of advertising or merchandise displays that involve more than incidental assembly of seasonal or promotional exhibits which are to be reported separately in classification 0607.

***Special note*:** The distinguishing factor between merchandising employees who are to be reported in classification 1101-17 and those who may be reported in classification 0607 is the delivery of products to the customer's place of business. Any employee who delivers merchandise to the customer's place of business is to be reported in classification 1101.

1101-19 Route food services

Applies to establishments engaged in route food services where prepackaged, prepared food is sold, or where food may be prepared in the mobile unit for immediate sale by employees of the route food service. Duties include, but are not limited to, driving, food preparation, loading and unloading the vehicle, and cashiering. Typical route food services include, but are not limited to, traveling coaches that sell beverages and prepared pastries or snack items at various locations during a given work day, ice cream wagons, refrigerated trucks that sell specialty prepackaged foods to route customers, or mobile "short-order" food services that sell fast foods at special events or at locations where hot food may not be available.

This classification excludes food preparation at a fixed location for the route food vehicles which may be reported separately in classification 3905 or as applicable.

1101-20 Computer tape or accounting records delivery service

Applies to establishments engaged in picking up and delivering computer tape, accounting records, or similar financial records to or from storage centers to customer locations. Delivery drivers in this classification often work in metropolitan areas and drive small cars or bicycles.

1101-21 Errand service

Applies to establishments engaged in providing errand services for others. Types of errands include, but are not limited to, shopping services, delivery of food, beverages or other commodities, and delivery of body fluid samples to laboratories. Vehicles used by these services are typically small cars or bicycles. This classification also applies to the distribution of sample merchandise by vehicle.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-536, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-536, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-536, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-063, § 296-17-536, filed 5/30/94, effective 6/30/94; 89-24-051 (Order 89-22), § 296-17-536, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-536, filed 5/31/88, effective 7/1/88; 86-12-041 (Order 86-18), § 296-17-536, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-536, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-536, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-536, filed 11/30/83, effective 1/1/84; 81-24-042 (Order 81-30), § 296-17-536, filed 11/30/81, effective 1/1/82; Order 77-27, § 296-17-536, filed 11/30/77, effective 1/1/78; Order 75-38, § 296-17-536, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-536, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-536, filed 11/9/73, effective 1/1/74.]

WAC 296-17-538 Classification 1103.

1103-00 Coal and solid fuel dealers - yard operations

Applies to establishments engaged in the sale and delivery of coal, pressed wood fiber logs (fire logs), wood stove pellets, wood chips, and sawdust. Operations contemplated by this classification include all related store, yard and delivery operations when conducted by employees of employers having operations subject to this classification.

This classification excludes all manufacturing operations which are to be reported separately in the classification applicable to the material and process used, and all mining operations which are to be reported separately in the applicable classification.

1103-02 Firewood dealers - yard operations

Applies to establishments engaged in the sale of firewood. This classification is limited to establishments operating a firewood sales lot where customers either pick up firewood or the dealer will makes deliveries from. Operations contemplated by this classification are limited to yard and delivery operations.

This classification excludes firewood cutting operations conducted in timber or forest lands and firewood sales lots conducted from a logging landing which are both to be reported separately in the applicable logging classification.

***Special note*:** Establishments subject to this classification may purchase precut firewood from other nonrelated businesses or may have a cutting crew. The only cutting operations allowed in classification 1103 are those conducted in the sales lot.

1103-04 Composting

Applies to establishments engaged in composting yard waste or other materials. Depending on the type of yard waste accepted, grinders may be used to reduce the size of the material for faster composting. Once the material is an acceptable size for composting, it may be placed in static curing piles, turned periodically to aerate until it is adequately decomposed, then sometimes screened. Another method of curing is to place the waste material in long rows, called "windrows" which are turned periodically. Other establishments, either operated privately or by municipalities, may use processed and dewatered sludge which is mixed with other materials such as shredded yard waste, sawdust, or other wood waste. The mixture must be designed to have the right degree of moisture and air to maintain a temperature of between 130 and 160 degrees Fahrenheit. The end product, in either instance, is a "Class A" pathogen product, meaning it can be used in soil for raising vegetables and is referred to as "manufactured" soil. This classification includes delivery when performed by employees of an employer having operations subject to this classification.

1103-05 Pallet recycle service - yard operations

Applies to establishments engaged in the sale and/or repair of used wood pallets to others. Operations contem-

plated by this classification are limited to the pick up of discarded used pallets from stores, warehouses, or other facilities, transporting of pallets to the establishment's sorting and storage yard where they are sorted by grade and size, reloading of pallets onto trucks, and delivery of pallets to customers.

This classification excludes all pallet repair activities which are to be reported separately in classification 2903.

1103-06 Top soil, humus, peat and beauty bark dealers - yard operations

Applies to establishments engaged in the sale of soils, humus, peat, and beauty bark to others. Operations contemplated by this classification are limited to the receipt of soils, peat, humus, bark and compost in bulk and the subsequent load out of bark, soil and related organic matter into customer vehicles. This classification includes custom mixing soils, incidental sales of landscaping rock, sand, gravel, and crushed rock, and delivery when performed by employees of an employer subject to this classification.

This classification excludes contract delivery by non-dealer employees who are to be reported separately in classification 1102, and digging of soils/humus/peat/gravel or grinding of bark which are to be reported separately in the applicable classification.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-538, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-538, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-538, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-538, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-538, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-538, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-538, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-538, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-538, filed 11/9/73, effective 1/1/74.]

WAC 296-17-544 Classification 1404.

1404-06 Vessels, ferries, tugs, and steamboats, N.O.C.

Applies to employees not covered under federal jurisdiction, or another classification (N.O.C.), who provide services for seaworthy vessels such as ferries, tugs, or steamboats at the docking site or on adjacent land. Vessels may operate seasonal or year-round. Employments include, but are not limited to, dock workers, maintenance workers, traffic control personnel, and night security personnel.

***Special note*:** Care should be exercised prior to assignment of this classification as the workers could be subject to federal laws covered by the Jones Act or by the U.S. Longshore and Harbor Workers Act. A detailed description of these acts can be found in classifications 0104 or 0202.

1404-07 Train rides

Applies to establishments engaged in the operation of passenger excursion train rides for scenic or amusement purposes on an intrastate basis only. Excursion train rides are typically operated from a mountain, lake or similar site. The trains may operate on a seasonal basis in direct relation to the volume of tourists, weather conditions, or dates of local celebration. Employments in this classification include, but are not limited to, drivers/engineers, guides, lecturers, hostesses, and maintenance personnel. Ticket sellers may be reported separately in classification 4904 provided that they do not handle baggage and that the conditions of the standard exception general reporting rules have been met. On-board food service personnel may be reported separately in classification 3905 as long as their duties are limited to food service and they do not facilitate the train ride or train ride operation in any way.

1404-11 Escort and pilot cars

Applies to establishments that provide escort or pilot car services for others. The duties include driving ahead of, or behind, various types of vehicles.

This classification excludes employees of an employer assigned to drive escort or pilot cars in connection with the delivery of equipment, buildings, goods, or similar items which the employer sells or contracts to deliver. Such employment is to be reported separately in the classification applicable to sales or delivery of such items. For example, an escort driver employed by a common carrier transporting a modular home to a customer's site is to be reported separately in classification 1102.

1404-12 Cabulance and paratransit

Applies exclusively to establishments that provide on-demand, nonemergency transportation services to passengers with special needs. Vehicles used are usually vans that are equipped for accessibility to accommodate passengers with mobility limitations including passengers in wheelchairs or gurneys. Work contemplated by this classification includes, but is not limited to, operation of the vehicle, assisting passengers in and out of the vehicle, and maintenance/repair of the vehicle when performed by employees of an employer subject to this classification.

This classification excludes: Cabulance services offered in conjunction with a taxi service which are to be reported separately in classification 1401, cabulance services offered in conjunction with an ambulance service which are to be reported separately in classification 1405, paratransit services offered in conjunction with a municipal bus or transit system which are to be included in classification 0803 or 1501 as appropriate, ambulance services which are to be reported separately in classification 1405, limousine drivers who are to be reported separately in classification 6301, and dispatchers with no other duties who are to be reported separately in classification 4904.

***Special note*:** Care should be exercised in determining what type of cabulance service is being provided. This classification *is not to be* assigned when provided as an incidental part of a taxi cab service subject to classification 1401. A cabulance service as defined in this rule will need a specialized van or bus to transport passengers as opposed to a passenger automobile that is not equipped to accommodate special mobility needs, and whereby the transportation service has been prearranged.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-544, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-544, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-544, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-544, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 91-12-014, § 296-17-544, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-544, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-544, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-544, filed 11/30/83,

effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-544, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-544, filed 11/9/73, effective 1/1/74.]

WAC 296-17-57001 Classification 2907.

2907-00 Wood cabinet, countertop, and fixture: Manufacturing, modifying or assembly

Applies to establishments engaged in the manufacture, modification, or assembly of wood cabinets, countertops, and fixtures. Cabinetry work contemplated by this classification includes, but is not limited to, manufacturing custom or modular cabinets, assembling prefabricated modular cabinet components, refacing existing cabinets and replacing hardware, and modifying the dimension or design of modular cabinets. Manufacturing countertops includes fabricating the core or sub top in addition to laying the plastic laminate, polyester overlay or tile when performed in the shop by employees of employers subject to this classification. Finishing that is subcontracted out to a prefinishing contractor or performed by the general or specialty construction contractor at the job site is to be reported in the classification applicable to the work being performed. Finish work, including staining, lamination, and the attachment of hardware, is included in classification 2907-00 when performed by employees of an employer subject to this classification. Fixture manufacturing includes built-in store, office, restaurant, bank and residential fixtures such as, but not limited to, showcases, display cases, end aisles, display pedestals, shelving, partitions, racks, closet organizers, bookshelves, work stations, credenzas, podiums, wall units, china hutches, entertainment centers, cashier cubicles, check-out counters, and curio cabinets. The wiring of fixtures for electrical fittings, and the cutting and fitting of plastic laminates, glass, mirrors, or metal trim, when performed in the shop, is included as an integral function of the manufacturing process encompassed within this classification. Raw materials include, but are not limited to, dimensional lumber, plywood, veneer, particleboard, plastic laminates, polyester overlays, sheet rock, slot wall dowels, hardware, mirrors, metal trim, electrical hardware, carpet, upholstery fabric, stain, paint, lacquer or glue. Machinery includes, but is not limited to, table, panel, radial arm, cut-off, chop, rip, band, and miter saws, wide belt sanders, edge sanders, hand finish jointers, mortises, tenoners, drill presses, hand drills, boring machines, edge banders, dowel machines, glue spreaders, face framing machines, pneumatic nail, screw and staple guns, air compressors, spray guns, forklifts, pallet jackets, and dust collectors. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification. Lumber yards, building material dealers, or general construction contractors that maintain a separate woodworking shop for manufacturing, assembling cabinets, and fixtures are subject to this classification for the woodworking operations, in addition to any other basic classification applicable to their business.

This classification excludes the installation of countertops only which is to be reported separately in classification 0502, the installation of cabinets, countertops, and fixtures which is to be reported separately in classification 0513; the manufacture of wood furniture and caskets which is to be reported separately in classification 2905; the manufacture of metal cabinets which is to be reported separately in classification 3404; lumber remanufacturing which is to be reported separately in classification 2903; veneer manufacturing which is to be reported separately in classification 2904; and sawmill operations which are to be reported separately in classification 1002.

***Special note*:** Establishments primarily engaged in the manufacture of cabinets, countertops and fixtures, may make other wood products such as doors, windows, moldings, and/or furniture as an incidental activity to the main business. The manufacture of these incidental products is included within the scope of classification 2907-00. Furniture is generally moveable and unsecured. Fixtures are usually secured, stationary, permanently built-in objects. Even though some fixtures may be secured to a wall or floor, they are not intended to be relocated, unlike furniture which is frequently and more easily arranged.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-57001, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-57001, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-57001, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-57001, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-57001, filed 5/31/93, effective 7/1/93; 91-12-014, § 296-17-57001, filed 5/31/91, effective 7/1/91. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-57001, filed 5/29/87, effective 7/1/87.]

WAC 296-17-583 Classification 3406.

3406-00 Automotive or truck gas service stations, N.O.C.: Lube and oil change specialists, and mobile lube and oil services

Applies to establishments operating full service gasoline or diesel service stations not covered by another classification (N.O.C.). Full service includes, but is not limited to, pumping gas for customers, replacing wiper blades, checking and/or filling the fluid levels (oil, transmission, wiper wash and antifreeze), and adding air to the tires. The repairs included in this classification are oil and filter changes, tune-ups, replacement of brakes, front end alignments and the repair or replacement of tires. This classification includes cashiers.

This also applies to establishments engaged exclusively in preventive automotive maintenance, such as, but not limited to, changing oil and oil filters, lubing chassis, checking and/or filling fluid levels, replacing wiper blades, adding air to tires, and checking and/or replacing belts, hoses, and filters.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments engaged in automobile or truck repair services and tune up specialists which are to be reported separately in classification 3411; establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; self-service gas stations which are to be reported separately in classification 3409; and convenience grocery stores or mini-markets with self-service gasoline operations which are to be reported separately in classification 3410.

3406-01 Automobile or truck storage garages

Applies to establishments operating automobile or truck storage garages. Generally, these types of storage garages consist of an enclosed structure and usually with more than one level of parking. Storage garages may provide additional incidental services such as, but not limited to, gasoline, tune-ups, washing and waxing services, as well as cashiers and full time attendants or security personnel.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; establishments providing parking lot services which are to be reported separately in classification 6704; automobile or truck repair services which are to be reported separately in classification 3411; establishments engaged in the service or repair of machinery or equipment N.O.C. which are to be reported separately in classification 6409; self-service gas stations which are to be reported separately in classification 3409; and full service gas station services which are to be reported separately in classification 3406-00.

***Special note*:** Storage garages applicable to this classification are distinguishable from parking lots in classification 6704 in that parking lots usually are not an enclosed structure, and they do not provide service to automobiles.

3406-04 Automobile or truck - detailing by contractor; glass tinting

Applies to establishments engaged in providing automobile or truck detailing services and to establishments engaged solely in tinting glass in automobiles. Detailing services involve complete, in-depth cleaning of exteriors and interiors such as, but not limited to, washing, waxing, polishing, buffing, vacuuming or otherwise cleaning the auto bodies, chrome work, tires, hub caps, windows, mirrors, carpets and seats and may also involve tinting glass. This classification includes cashiers.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; tinting of automobile or truck window glass performed by a glass dealer which is to be reported separately in classification 1108; glass tinting or the application of tinted plastic film to glass windows and doors in buildings which are to be reported separately in classification 0511; detailing performed in connection with automobile or truck dealers, service centers or repair garages which are to be reported separately in classification 3411; detailing performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; detailing performed in connection with establishments engaged in the service or repair of machinery or equipment, N.O.C. which is to be reported separately in classification 6409; and detailing performed in connection with full service gas stations which are to be reported separately in classification 3406-00.

3406-05 Automobile or truck car washes

Applies to establishments providing automobile or truck washing services. This classification includes the exterior washing, waxing, polishing or buffing, cleaning of chrome and tires, and the interior cleaning of windows, carpets, dash and seats. These services may be performed at a coin operated self-service unit, or at a full service automatic unit where the vehicle is conveyed through the line assisted by attendants. This classification includes cashiers and the sale of accessory items such as, but not limited to, bottled car care products, air fresheners, floor mats, beverages and snack foods.

This classification excludes portable automobile or truck car washes which are to be reported separately in classification 6602; washing services performed in connection with automobile or truck dealers, services centers or repair garages which are to be reported separately in classification 3411; washing services performed in connection with automobile or truck body and fender repair shops which are to be reported separately in classification 3412; washing services performed in connection with establishments engaged in the service or repair of machinery or equipment, N.O.C. which are to be reported separately in classification 6409; washing services performed in connection with full service gas stations which are to be reported separately in classification 3406; washing services performed in connection with self-service gasoline operations which are to be reported separately in classification 3409; and washing services performed in connection with convenience stores that have self-service gasoline operations which are to be reported separately in classification 3410.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-583, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-583, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-583, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-583, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-583, filed 5/31/96, effective 7/1/96; 85-24-032 (Order 85-33), § 296-17-583, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-583, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-583, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-583, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-583, filed 11/30/81, effective 1/1/82. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-583, filed 11/30/79, effective 1/1/80; Order 73-22, § 296-17-583, filed 11/9/73, effective 1/1/74.]

WAC 296-17-594 Classification 3602.

3602-01 Electrical, telegraph or radio component, telephone set: Manufacture, assembly, or repair

Applies to establishments engaged in the manufacture, assembly, or repair of components related to the telegraph, electrical, radio or telephone industry. Component parts may be for items such as, but not limited to, radio or television sets, hearing aids, transformers, coils, condensers, switches, antennae, phones, speaker units, dials, rheostats, plugs, arrestors, resistors, and electrical control relays, circuit breakers, or other parts necessary to accomplish radio, electrical, telegraph or telephone communication. Materials include, but are not limited to, metal, plastic, and wood used for the outside casings, and component parts. Some establishments in this classification manufacture the casings and the internal components. Other establishments in this classification assemble the ready-made parts with air and hand tools such as, but not limited to, drill presses, solder guns, or saws. Internal parts are usually assembled simply by clamping circuit boards in place, then soldering small pieces together. This classification includes engineers, research and laboratory personnel employed by establishments having operations subject to this classification. This is a shop or plant only classification.

Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-02 Instrument - scientific, medical, or professional: Manufacturing; magnetic tape: Manufacturing

Applies to establishments engaged in the manufacture of instruments used in medical, scientific, or professional applications. This classification also applies to establishments engaged in the manufacture of magnetic tapes. Instruments in this classification range widely in shape and size; they include, but are not limited to, dental or surgical instruments, microscopes or other scientific testing or research instruments, surveyors' instruments, and electrical testing instruments. Materials include, but are not limited to, metal, glass, plastic, or wood for casings, and component parts. Processes vary depending upon the product being produced, and could involve some stamping, machining, and heat-treating. However, component parts are usually manufactured by others, and establishments in this classification perform a substantial amount of hand assembling, inspecting, testing, and packaging operations. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-03 Sound recording equipment: Manufacturing

Applies to establishments engaged in the manufacture of sound recording equipment. Establishments in this classification may manufacture all or some equipment such as instruments for measuring sounds, and generators (for producing sounds), filters or modulators (for processing sounds), magnetic or tape recorders (for storing sounds), and speakers (for reproducing sounds). Materials include, but are not limited to, metal, glass, plastic, or wood for casings, clamps, glue or epoxy, and component parts. Components may be produced by the manufacturer or purchased from others and assembled. The assembly may be partially or wholly automated. Machinery includes, but is not limited to, shears, drill presses, grinders, soldering guns, welding equipment, and air or hand tools. There may be inspection areas and sound testing rooms. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-04 Thermometer and steam gauge: Manufacturing

Applies to establishments engaged in the manufacture of thermometers and/or steam gauges. The most common type of thermometer is a mercury thermometer which consists of a capillary tube that is sealed at its upper end and is enlarged into a spherical or cylindrical bulb at its lower end. This bulb is filled with mercury and mounted on a thin metal or plastic sheet. The manufacturers of steam gauges may simply assemble component parts with hand tools, test, and package them. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-05 Dental laboratories

Applies to establishments engaged in the manufacture of dentures, artificial teeth, braces, and retainers. These types of establishments are generally referred to as dental laboratories. The manufacture of these items involves precision work with castings, plastic or vinyl molding, and light wire forming. In the state of Washington dental laboratories can fit patients for dentures, in addition to making the denture which is included when performed by employees of employers subject to this classification. This is a shop only classification. Repair work when specified is limited to work performed at the shop.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-06 Jewelry: Manufacturing or engraving; trophy assembly or engraving

Applies to establishments engaged in the manufacture or engraving of jewelry, such as, but not limited to, rings, bracelets, necklaces, earrings, watchbands, pins, broaches, and cigarette lighters. Jewelry manufacturing or engraving involves working with precious metal and/or stones. Operations usually include polishing, buffing, drilling, and assembly, mixing and melting alloys and metals, then pouring the mixture into small casts. This classification also applies to establishments engaged in assembling or engraving trophies on a production basis. For purposes of this classification, assembly means making trophies from premanufactured components purchased from others. The engraving may be done by "etching" or by computer. In the etching method, patterns or lettering is cut into a metal strip that is coated with a solution resistant to etching acids. The metal strip is treated with etching acids that "melt away" the uncoated portion of metal, leaving an impression of the design. Computerized engraving is done by keying the designs or letters into the computer; the designs are transmitted to an "arm" on the computer which "draws" (engraves) them onto the metal plate. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used; and establishments engaged in the manufacture of watches which are to be reported separately in classification 3602-09.

***Special note*:** This classification is for manufacturers engaged in the mass production of jewelry items and is distinguishable from jewelry stores reported in classification 6308 who produce custom, one-of-a-kind pieces on a special order basis. Trophy stores in classification 6308 may assemble components to make custom trophies, or engrave plaques for the trophies they sell. Assembly and engraving that is incidental to their retail sales operation is included in their store classification.

3602-07 Electronic parts: Assembly

Applies to establishments engaged in the assembly of electronic parts which are usually sold to other manufacturers. They may have automated/robotics assembly lines for all or part of the processes. In manual operations, small parts are soldered, chipped, riveted, or screwed into place with hand tools such as, but not limited to, soldering guns, riveters, drills, screw drivers, or water jets. This classification also applies to establishments engaged in the manufacture or assembly of computers and the manufacture of dry cell (flashlight type) batteries. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-08 Electrical/electronic ignition assembly, cord set, or radio set: Assembly

Applies to establishments engaged in the assembly of electrical/electronic ignition assemblies, cord sets, and radio set components. An ignition assembly is a switching component that allows an electrical circuit to be completed in order to start a piece of machinery or equipment. Electrical cord sets are the portion of wiring found on appliances and tools that plug into electrical power sources. A radio set is comprised of an input circuit for tuning in to the frequencies of the various transmitters to be received, the demodulation circuit for separating the audio-frequency from the high-frequency carrier, a low-frequency amplifier stage, and the loudspeaker. The amplifier elements are transistors supplied with the necessary operating voltages. Establishments in this classification usually assemble radio component parts and circuit boards that are manufactured by others. The assembly is accomplished by soldering, clipping, riveting, and welding the parts into place. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-09 Watch: Manufacturing

Applies to establishments engaged in the manufacture of watches. The component parts are usually mass produced on an assembly line. Watch cases are usually made from sheet metal or plastic; watch faces are made from plastic or glass. The internal works are very small gears or springs and/or computer chips. The face may have hands and a dial, or may consist of a light emitting diode (LED). This classification includes the manufacture of internal works of clocks. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes establishments engaged in the manufacture of jewelry which are to be reported separately in classification 3602-06; establishments engaged in the manufacture of wooden housings or casings for clocks such as grandfather and mantle types which are to be reported separately in classification 2905; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-10 Camera, video camcorder, motion picture projectors: Manufacturing, assembly, or repair

Applies to establishments engaged in the manufacture, assembly, or repair of cameras, video camcorders, and motion picture projectors. Materials include, but are not limited to, metals, plastics, glass and internal components. Machinery includes, but is not limited to, punch presses, drill presses, and soldering guns. Establishments in this classification often assemble products from internal components manufactured by others. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

***Special note*:** When an establishment subject to this classification has a retail store, then both classifications 6406 and 3602-10 may be assigned, provided all the conditions of the general reporting covering the operation of a secondary business have been met. Otherwise, all operations are to be reported in the highest rated classification of the two.

3602-11 Fishing tackle: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of fishing tackle. For purposes of this classification, the term fishing tackle is limited to lures, spinners, spoons, flies, plugs, sinkers, artificial bait and similar items. Work contemplated by this classification includes the receipt of supplies such as wire, hooks, spoons, swivels, beads and feathers, and other components from unrelated manufacturers and distributors, hand assembly of components into finished fishing tackle, painting spoons and plug bodies, packaging

and shipping. This classification also contemplates testing of products and research and development of new products. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes the manufacture of items such as, but not limited to, reels, poles, nets, tackle boxes, knives, melting pots, plastic beads, wooden or plastic plug bodies, hand tools (pliers, bench vise) molds, specialty clothing or protective gear which are to be reported separately in the classification applicable to the material and process used to produce the product; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

***Special note*:** Care should be taken when assigning this classification to verify that the product being manufactured is compatible with the manufacturing and assembly processes contemplated within this classification. Most fishing tackle subject to this classification is hand assembled from small component parts.

3602-12 Incandescent lamp or electric tube: Manufacturing

Applies to establishments engaged in the manufacture of electrical or gas-filled bulbs or tubes such as, but not limited to, incandescent lamps, photoflash lamps, flood lamps, fluorescent tubes, X-ray tubes, cathode-ray tubes, neon tubes or artistic style neon tube signs that are not attached to metal backings. The processes and equipment will vary somewhat depending on the type of electrical bulb, tube, or lamp being made, but the basic operation is the same. Component parts such as, but not limited to, glass bulbs, globes, or tubes, tungsten wire, metal bases, shellac, and nitrogen and argon gas are purchased from outside sources. Using flange machines, the bottom of the glass tubing is fused to the flange to produce the base that is used within the bulb or globe. Metal bases may be milled, then coated with a sealing compound such as shellac. Mounts are assembled and inserted into the flange on stem machines. The assemblies are seared together, then the tungsten filaments are fixed between support wires forming the stem. The bulbs or globes are flushed with nitrogen to expel any moisture before the stems are inserted into them. These units are inserted into the metal bases and cemented. Air is evacuated and argon gas is pumped into the bases, after which they are heat sealed and trimmed. Neon tube signs or displays are made by heating a thin tube of glass over a ribbon flame until the tube becomes flexible, blowing air into the tube to keep the glass from collapsing, then, while it is still hot, bending it to shape. Because the glass cools rapidly, the heating and bending is repeated until the desired shape is achieved, then the tube is filled with neon or argon gas and the ends sealed.

This classification excludes establishments engaged in the manufacture of metal fixtures equipped with electrical or gas lighting which are to be reported separately in classification 3404; all outside repair work which is to be reported separately in the applicable services classification; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-14 Musical instrument - metal: Repair

Applies to establishments engaged in the repair of metal musical instruments which include, but are not limited to, trumpets, trombones, French horns, and tubas. The operations involve primarily hand work such as, but not limited to, brazing and soldering, as well as fitting, testing, and polishing the instruments. Tools include, but are not limited to, solder or brazing guns, lathes, drill presses, and various types of saws. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification; the repair of wood musical instruments which is to be reported separately in classification 2906; and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-23 Electronics products - resistors, capacitors, chips and relays, transistors: Manufacturing

Applies to establishments engaged in the manufacture of resistors, capacitors, chips, relays, and transistors which are usually tiny and delicate. Products manufactured in this classification are usually mass produced with little human intervention during the production process, which is often done in a vacuum or a nitrogen filled room. Materials include, but are not limited to, silicon, wires, and plastics. In addition to the automated equipment, hand-held tools include, but are limited to, pliers, wrenches, and soldering guns. Finished products are inspected, usually through powerful microscopes, then packaged and shipped. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-24 Stamped metal goods: Manufacturing

Applies to establishments engaged in the manufacture of small, stamped, metal goods such as, but not limited to, metal tags, buttons, zippers, bottle caps, fasteners, snaps, clasps, buckles, and curtain fasteners. Materials, which come in coils or strips, are run through presses. Most of the stamping is done on automatic stamping presses. Products are cut, stamped, formed, trimmed, and cleaned, then usually finished by plating or lacquering. This is a shop or plant only classification. Repair work, when specified, is limited to work performed at the shop or plant.

This classification excludes the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-27 Electronic circuit board, N.O.C: Assembly

Applies to establishments engaged in the assembly of electronic circuit boards not covered by another classification (N.O.C.) which are used in a wide variety of electronic and automotive products. The process usually begins by cutting

boards to size with power saws, then drilling or punching holes in them with automated drills or punches. Depending upon the original materials used, the boards used for the base may be coated or dipped. Then the chips, transistors, resistors, and/or condensers are installed, usually as part of an assembly line process. Next, the circuit boards are dipped and coated with a thin metal. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

3602-28 Stereo components: Manufacturing or assembly

Applies to establishments engaged in the manufacture or assembly of stereo components such as, but not limited to, record changers, disc or video players, receivers and amplifiers. Materials include, but are not limited to, circuit boards, resistors, drivers, baffle plates, chambers, trim/rings, and grills. Equipment includes, but is not limited to, hot glue guns, electric drills, electric screw drivers, and automated assembly or manufacturing equipment. Finished products are inspected, tested, packaged and shipped. This is a shop or plant only classification. Repair work when specified is limited to work performed at the shop or plant.

This classification excludes all outside repair work which is to be reported separately in the applicable services classification, and the production of raw materials used in the manufacturing of the above articles which is to be reported separately in the classification applicable to the production process used.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-594, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-594, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-594, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-594, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-594, filed 5/31/88, effective 7/1/88; 85-24-032 (Order 85-33), § 296-17-594, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-594, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-594, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-594, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-594, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-594, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-594, filed 11/30/79, effective 1/1/80; Order 75-38, § 296-17-594, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-594, filed 11/9/73, effective 1/1/74.]

WAC 296-17-618 Classification 3905.

3905-00 Restaurants, N.O.C.

Applies to establishments engaged in restaurant operations not covered by another classification (N.O.C.). These establishments are "traditional, family or full service" restaurants that provide sit-down services, or cafeteria or buffet style meals. This classification includes the preparation and service of food and beverages. Establishments in this classification may serve beer and wine; however, they are prohibited from selling spirits or hard liquor. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in conjunction with the restaurant.

This classification excludes establishments engaged in operating restaurants or lounges that sell spirits or hard liquor which are to be reported separately in classification 3905-07, and catering services that are not part of the restaurant operation which are to be reported separately in classification 3909.

***Special note*:** Traditional, family or full service restaurants are establishments where wait persons bring customers a menu, take orders, and deliver prepared meals to the customer's table or where customers choose from a variety of food items from a buffet or cafeteria style service. Such establishments will generally use nondisposable eating utensils and plates to serve food as opposed to throw away paper plates and plastic eating utensils. Includes establishments where orders are placed at the counter, and the food or drink is delivered to your table. Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-01 Food, drink, and candy vending concessionaires at theatres, parks, tracks, and exhibitions

Applies to establishments engaged in operating food, drink or candy concessions at ball parks, race tracks, theaters and exhibitions. This classification is applicable only to concession operations which are operated independent from the facility or event at which the concession service is being provided. These independent vendors selling food items are not employees of the facility or site where the event or exhibition is taking place. Vendors subject to this classification sell a variety of food, snack and beverage items from booths, mobile push carts, mobile stands, carrying boxes, or trays.

This classification excludes food and beverage operations (concession stands) operated in connection with an event or facility by employees of the event sponsor or facility operator which are to be reported separately in the classification applicable to the event or exhibition; street vendors or route food services which are to be reported separately in classification 1101; vendors of nonfood items which are to be reported separately in the applicable classification; and vending machine service companies that replenish food, snack and beverage products which are to be reported separately in classification 0606.

3905-03 Commissaries and restaurants with construction, erection, logging or mine operations

Applies to commissary or restaurant operations conducted *exclusively* in connection with a construction, erection, logging or mining camp operation. This classification is limited to food preparation services provided at a camp site or at a mess hall used to feed employees of the construction, logging, erection, or mining company. The foods prepared and served are not intended for, or offered to, the general public.

***Special note*:** The purpose of this classification is to provide employees engaged in the food preparation activity with a classification representative of the work being performed, even though such activities may be occurring at or adjacent to the construction, logging, erection or mining site as provided for in the general reporting rule covering general inclusions.

3905-04 Eating establishments, N.O.C. such as public lunch counters in stores

Applies to establishments not covered by another classification (N.O.C.) engaged in operating lunch counters and restaurants within a retail store location. Use of this classification is limited to employees of an employer who also operates the retail store where the food service is located.

3905-06 Taverns

Applies to establishments engaged in the operation of a tavern. A tavern is primarily engaged in the sale of beer, wine, and alcoholic beverages for on-premises consumption, and may also provide a variety of foods ranging from peanuts and pretzels to hot food dishes. Typical occupations include, but are not limited to, bartenders, waiters, waitresses, cooks, busboys, dishwashers, and managerial staff. Beer may also be sold by the keg with the rental of necessary taps and pumps. This classification includes the operation of a "beer garden" at special events such as, but not limited to, fairs or race meets, and the operation of a card room in connection with the tavern.

***Special note*:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a tavern are to be reported separately in classification 6605.

3905-07 Restaurants serving spirits or hard liquor

Applies to establishments engaged in the operation of a restaurant having a license to sell spirits or hard liquor, beer and wine in connection with their food preparation and service. This classification includes the preparation and service of food and beverages at sit down restaurants and lounges. Such establishments have extensive cooking facilities and equipment to prepare full meals. Typical occupations covered by this classification include, but are not limited to, bartenders, hostesses, waiters, waitresses, valet parking attendants, cooks, busboys, dishwashers, cashiers, and managerial staff. This classification also includes the preparation of "take-out food" that customers pick up directly from the restaurant for consumption away from the premises and the operation of a card room in connection with the restaurant.

This classification excludes establishments engaged as a restaurant without a license to sell spirits or hard liquor which are to be reported separately in classification 3905-00; taverns which are to be reported separately in classification 3905-06; catering services which are not part of a restaurant operation which are to be reported separately in classification 3909; musicians who are to be reported separately in classification 6605; and entertainers such as dancers who are to be reported separately in classification 6620.

***Special note*:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a restaurant are to be reported separately in classification 6605.

3905-08 Pizza parlors

Applies to establishments engaged in operating a pizza parlor or restaurant. Establishments subject to this classification specialize in the preparation and sales of pizza (but may also provide other foods) and beverages such as wine, beer, alcoholic beverages, or soft drinks for on-premises consumption. Typical occupations include, but are not limited to, hostesses, waiters, waitresses, cooks, busboys, dishwasher, cashiers, and managerial staff. This classification also includes establishments that deliver pizza to customers, or where customers can pick up already prepared pizza at the shop, but where no customer seating is provided.

This classification excludes U-bake pizza operations which are to be reported separately in classification 6403.

***Special note*:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a pizza parlor are to be reported separately in classification 6605.

3905-09 Fast food drive-ins, N.O.C.

Applies to establishments engaged in the operation of fast food drive-ins or restaurants. These establishments serve easily prepared foods quickly and nonalcoholic beverages which can be eaten on the premises or picked up by customers at a counter or a drive through window. Fast food establishments offer a variety of menu items such as, but not limited to, hamburgers, french fries, tacos, sandwiches, fried chicken, hot dogs, fish and chips. Such establishments will generally use disposable eating utensils and throw away plates.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101 and full service restaurants which are to be reported separately in classification 3905-00.

3905-11 Soft drink lounges

Applies to establishments engaged in operating soft drink lounges. These types of establishments may provide entertainment such as dancing for an adult audience or a place where youths under the age of 21 can dance or listen to music. These lounges do not sell alcoholic beverages. This classification includes the preparation and service of light snacks and hors d'oeuvres, such as chips, peanuts, pretzels or finger sandwiches.

This classification excludes entertainers such as exotic dancers who are to be reported separately in classification 6620 and musicians who are to be reported separately in classification 6605.

***Special note*:** Care should be exercised when dealing with establishments that provide entertainment such as musicians, entertainers, disc jockeys or piano players who may be exempt from coverage as an independent contractor. Musicians or entertainers who are considered to be employees of a lounge are to be reported separately in classification 6605 or 6620 as applicable.

3905-12 Ice cream parlors

Applies to establishments engaged in the operation of an ice cream parlor or frozen yogurt shop. These specialty shops offer a limited menu, usually confined to ice cream and frozen yogurt offered in individual servings, various size containers, and specialty items. Special occasion ice cream cakes may be ordered and picked up at a later date by the customer. These establishments usually provide customer seating.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

3905-13 Candy, nut, and popcorn retail stores with on-premises manufacturing

Applies to establishments engaged in operating candy, nut or popcorn stores where some or all the products sold are manufactured on the premises. Establishments in this classification may sell a variety of candies, nuts, or popcorn, or may specialize in one or two products. They may also sell their products in gift wrapped packages.

This classification excludes establishments engaged in selling candy, nuts, or popcorn, *that do not manufacture* any product on the premises, which are to be reported separately in classification 6406, and establishments primarily engaged in the wholesale manufacturing of candy which is to be reported separately in classification 3906.

3905-14 Espresso/coffee stands and carts

Applies to vendors operating espresso or coffee stands or carts. Products sold include, but are not limited to, coffee, espresso, lattes, Italian sodas, soft drinks, pastries and prepackaged items. These types of vendors *do not prepare food*. This classification is distinguishable from retail coffee, tea or spice stores in that coffee stands or carts in classification 3905 sell only ready-to-serve products; they do not sell packaged coffee, tea or spice items.

This classification excludes street vendors and/or route food services which are to be reported separately in classification 1101.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-618, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-618, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-618, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-618, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-618, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-618, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-618, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-618, filed 11/29/82, effective 1/1/83; Order 75-38, § 296-17-618, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-618, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-618, filed 11/9/73, effective 1/1/74.]

WAC 296-17-64999 Classification 4900.

4900-00 Construction: Superintendent or project manager

Applies to those employees, of general or specialty construction contractors, whose job duties are exclusively that of construction superintendents or project managers. Construction superintendents spend some time in an office and spend the remainder of time visiting various job sites to confer with construction foreman to keep track of the progress occurring at each construction site or project location. Project managers are generally stationed at the construction site or project location and confined to a temporary type of office to schedule activities and arrival of supplies such as the delivery of iron, steel, rebar, lumber, concrete ready mix, concrete pump truck services, and cranes.

This classification excludes construction superintendents or project managers who are employed by a business that specializes in offering construction management and consulting services. These businesses do not do any of the actual construction or erection activities and are to be reported separately in classification 4901.

***Special notes*:** This classification is applicable *only* to construction superintendents or project managers who have no direct control over work crews and do not perform construction labor at the construction site or project location. A superintendent or project manager performing duties subject to this classification who also is engaged in operating equipment, performing manual labor, or who directly supervises a work crew at the construction site or project location is excluded from this classification. They are to be reported separately in the applicable construction or erection classification assigned to their employer without any division of hours. *A division of hours is not permitted between classification 4900 and any other classification.* Under no circumstances can this be the only classification assigned to a contractor, as a basic construction classification must also be assigned.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-64999, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-64999, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-64999, filed 5/31/96, effective 7/1/96.]

WAC 296-17-659 Classification 5001.

5001-03 Logging, N.O.C.

Applies to establishments engaged in various logging operations not covered by another classification (N.O.C). Typical work contemplated by this classification includes, but is not limited to, high lead or tower logging, ground logging, and team logging with horses. For purposes of this rule, logging is the complete operation of felling, skidding, yarding, delimbing, and bucking of trees into logs or block wood and loading them onto trucks or rail cars.

Definitions:

High Lead or Tower Logging - usually occurs in steep terrain where a metal tower is set-up on a hilltop with a system of heavy cables running down the hillside and fastened to a stump or tree and has other smaller cables with chokers hanging from it. A choker is wrapped around each fallen tree and pulled back to the landing site.

Helicopter logging - includes ground crews that work with the use of helicopters to hoist fallen trees or bucked log lengths to the landing sight.

Chokers - chains or cables which are attached to the fallen trees for skidding to the landing site.

Ground logging - usually occurs on relatively flat land; fallen trees are moved to a landing by a skidder, cat or shovel.

Bucking - stripping or delimbing tree of branches and cutting the tree to desired log lengths.

Skidding - process of dragging the fallen logs to the landing site.

Landing - place where the fallen logs are brought for sorting and loading onto log trucks.

Yarding - usually performed at the landing site with use of a log loader to sort the logs by species, length and diameter, prior to loading onto log trucks.

This classification excludes flight crews of helicopters used in helicopter logging which are to be reported separately in classification 6803; log hauling which is to be reported separately in classification 5003; logging road construction which is to be reported separately in classification 6902; logging machine operators which are to be reported separately in classification 0101; and mechanical or mechanized logging operations which are to be reported separately in classification 5005 provided the classification has been approved by the classification services section.

5001-04 Shake, shingle bolt, and post cutting

Applies to establishments engaged in the cutting of shakes, shingle bolts (blocks), and fence posts in the woods. For the purposes of this rule, this classification includes all operations performed in the woods such as, but not limited to, the felling of trees, stripping or delimbing of branches, and all further cutting or splitting of trees/logs to produce shakes, shingle bolts or fence posts. This classification includes all transporting of shakes, shingle bolts or fence posts from the cutting site when conducted by employees of employers subject to this classification.

5001-05 Firewood cutting

Applies to establishments engaged in the cutting of firewood in the woods. For the purposes of this rule, this classification includes all operations performed in the woods such as, but not limited to, the felling of trees, stripping or delimbing of branches, and all further cutting or splitting of trees/logs to produce firewood. This classification includes all transporting of log lengths, rounds or split wood from the cutting site when conducted by employees of employers subject to this classification.

5001-06 Sawmill operations conducted in the woods in connection with logging operations

Applies to establishments operating a temporary or portable sawmill operation in the woods. This type of work is usually performed on privately owned land. A portable sawmill and saw tables, similar to those at a permanent sawmill location, are transported directly to the logging site. Log lengths are fed through a circular saw that is capable of producing various sized rough cut timber, blocks, boards and planks. This classification includes all transporting of rough cut timber, blocks, boards and planks from the cutting and/or sawing site when conducted by employees of employers subject to this classification.

This classification excludes sawmill operations which are not conducted in the woods in connection with a logging operation which is to be reported separately in the applicable sawmill classification.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-659, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-659, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-659, filed 5/31/96, effective 7/1/96; 86-12-041 (Order 86-18), § 296-17-659, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-659, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-659, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-659, filed 11/30/83, effective 1/1/84; 80-17-016 (Order 80-23), § 296-17-659, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-659, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-659, filed 11/30/77, effective 1/1/78; Order 75-38, § 296-17-659, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-659, filed 11/9/73, effective 1/1/74.]

WAC 296-17-66002 Classification 5004.

This classification applies to establishments engaged in forestry and timberland management services. It applies to employees of contractors or of land owners. This classification includes all field crew supervisors and foremen assigned to oversee work covered by this classification including internal quality control audits regardless of whether their assigned duties include manual labor. Classification 5004, and related classification 1007 and 5006, cover various activities associated with the management of forests, range or timberland. These classifications have also been assigned to establishments engaged in erosion control projects and fish and wildlife habitat enhancement projects. *The industry covered by this series of classifications has special reporting requirements.* Reforestation establishments assigned to classifications 1007, 5004, and 5006 report work on a contract basis. These contracts may last a quarter or several quarters. Refer to WAC 296-17-35203(4) for specific reporting requirements. Classification 1007 applies to technical services such as identifying volume and species of trees in a section of timberland or a forest, auditing parcels planted by a tree planting contractor for quality control purposes, conducting environmental studies, testing growing techniques and similar activities. Classification 5004 covers various forms of work conducted in the forest or timberland generally associated with the overall care of these lands. Classification 5004 is used to report manual crew labor. Classification 5006 covers machinery operations on these lands such as clearing, slashing, hydro seeding, chemical spraying and forest fire fighting. It will be common in the case of a forest fire to have employees reporting in both classification 5004 and 5006 for forest fire fighting since some employees will operate bulldozers, loaders and tanker trucks while others will use chain saws and shovels. In some cases establishments subject to classification 5004 will use multiple subclassification codes on a single contract and premium report.

This classification excludes forestry related machine work used in connection with trail construction, slash burning, fire watch/patrol and forest fire fighting, slashing, pile burning, roadside brushing, roadway dust/mud control which is to be reported separately in classification 5006 "forestry related machine work"; logging operations which are to be reported separately in classification 5001; logging road construction which is to be reported separately in classification 6902; and technical survey work which is to be reported separately in classification 1007.

5004-04 Animal damage control

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry and timberland services. Use of this classification is limited to services related to animal damage control such as placing salt blocks and hay for wildlife. This is done to provide food and nutritional supplements to forest wildlife as an alternative and preventative measure to reduce

destruction to newly planted seedlings (trees) caused by feeding animals.

5004-05 Beaver trapping

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to trapping mountain beaver. This is done to prevent damage to trees caused by mountain beaver when feeding and building nests for rearing their young.

5004-06 Chemical spraying

Fertilizing services

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to chemical spraying. This is done to kill competing vegetation growing around young seedlings (chemical conifer release) and keep the brush on roadsides down.

This classification excludes manual conifer release which is to be reported separately in classification 5004-14.

5004-07 Cone picking

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to services related to cone picking which is done to obtain seed for new trees. Cone picking may occur on the ground or in the trees. All forms of cone picking are included within the scope of this classification.

5004-09 Hydro seeding services

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to hydro seeding abandoned roads and roadsides which is done primarily for erosion control and habitat development. This classification also includes manual labor associated with erosion control or habitat development projects.

5004-11 Pruning services

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to pruning lower tree branches. This is being done on an experimental basis on certain plots to aid in the production of clear wood (knot free) for future plywood and furniture demands.

5004-12 Tree netting services

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to placing netting or paper sleeves over new tree growth to discourage animals from eating the growth. This is also referred to as bud capping.

5004-13 Tree planting services

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to planting trees in a forest (reforestation) or in privately owned timbered land. This is done to re-establish a tree population after logging or a fire.

5004-14 Tree thinning services including forest trail construction and brush clearing, N.O.C.

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry or timberland services. Use of this classification is limited to employees of an employer subject to this classification engaged in the removal of unmarketable trees with a chain saw, machete, or pruning loppers, brush clearing, manual tree slashing and constructing walking paths or trails. This is done to reduce competition of the remaining trees for water and nutrients, eliminate fire hazard and provide trails for management and recreational use. This classification includes manual conifer release.

This classification excludes chemical conifer release which is to be reported separately in classification 5004-06.

5004-18 Miscellaneous forestry services, N.O.C.

(*to be assigned only by the reforestation underwriter*)

Applies to contractors and employees of landowners engaged in forestry and timberland services not covered by another classification (N.O.C.). This classification is for miscellaneous manual labor on forest or timberland such as, but not limited to, manual forest fire fighting.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-66002, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-66002, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-66002, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1), 51.16.035, 51.12.070 and 51.16.060. 92-18-065, § 296-17-66002, filed 8/31/92, effective 10/1/92. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-66002, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-66002, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-66002, filed 11/30/83, effective 1/1/84; 81-24-042 (Order 81-30), § 296-17-66002, filed 11/30/81, effective 1/1/82.]

WAC 296-17-66003 Classification 5005.

5005-00 Logging and/or tree thinning - mechanized operations

(*to be assigned only by classification services staff*)

Applies to establishments engaged in mechanized logging or tree thinning operations. For purposes of this classification, mechanized logging is defined as the entire process of felling, removal (skidding), yarding, processing, delimbing, bucking and loading of trees/logs by machine. This classification can be used by a logging contractor only if the entire side is being logged using methods and equipment described in this rule. If any portion of the side is being logged by conventional methods the entire operation must be reported in classification 5001 - Logging, N.O.C. *For example*, an employer that subcontracts to fell trees with a feller/buncher or processor but is not involved in the removal (skidding) of the trees, the processing (delimbing and bucking) of the trees and the loading of trees is excluded from classification 5005 and is to be reported in classification 500l - Logging, N.O.C. Any employer whose operation includes any manual felling, removal, processing, or loading of trees is excluded from classification 5005 and is to be reported in classification 5001 - Logging, N.O.C. Work contemplated by this classification includes the falling of trees with a machine such as a feller

buncher or processor; skidding logs to the landing with use of a grapple skidder or forwarder; delimbing logs with a mechanized delimber such as a stroke delimber, processor, CTR or harvester; and loading logs onto log trucks with a mechanical loader or shovel. Equipment used by employers subject to this classification will consist of the following:

Feller/buncher - used to fell trees and place felled trees into stacks (bunches) for removal to the log landing for further processing. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Processor - used to fell trees, delimb them, buck tree to desired log length and stack the bunches for removal to the landing where they will be segregated by general grade and loaded onto log trucks. A processor is sometimes used at the landing to delimb trees and buck them to log length, especially when the trees are felled by a feller/buncher. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Grapple skidder - is used to remove (ground skid) stacks (bunches) of felled trees from the woods to the landing. The industry refers to both the skidder and the bulldozers as a tractor. The two are distinguished from one another in that the skidder is a tire-driven tractor and the bulldozer is a track-driven tractor. A bulldozer equipped with a grapple is an acceptable piece of equipment to be used in the removal of trees. The operator of either the grapple skidder or bulldozer equipped with grapple does not leave the cab of the machine in the performance of duties in the logging operation.

Forwarder - is used to remove logs as cut by a processor from the woods to an awaiting log truck or to be stacked in piles for a future pick up by a log truck. This is a small specialized tractor equipped with a self-loader and a log bunk. The operator of this machine does not leave the machine in the performance of duties in the logging operation.

Harvester - is used at the landing of the logging side to delimb trees and buck trees to desired log length. This machine can also be used to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

Loader - is used at the landing to load logs onto log trucks. The operator of this machine does not leave the cab of the machine in the performance of duties in the logging operation.

This classification excludes log hauling which is to be reported separately in classification 5003, logging road construction which is to be reported separately in classification 6902, logging machine operators which are to be reported separately in classification 0101, and logging operations which are to be reported separately in classification 5001.

***Special notes*:** If any portion of the logging contract is performed manually or by hand, the establishment does not qualify for this classification. If any portion of the logging contract is subcontracted out to another business and is performed manually or by hand, then none of the businesses involved in the logging contract will qualify for this classification and are to be reported separately in classification 5001.

All equipment used by employers subject to this classification must meet WISHA guidelines for Roll Over Protection Standards (ROPS) and Falling Object Protection Standards (FOPS).

See classification 5206 (WAC 296-17-675) for permanent shop/yard operations.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-66003, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-66003, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-66003, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-051, § 296-17-66003, filed 5/27/94, effective 7/1/94.]

WAC 296-17-67601 Classification 5208.

5208-00 Iron or steel works: Fabrication or assembly - structural iron or steel

Applies to establishments engaged in the fabrication or assembly of structural iron or steel. Structural in this classification will mean when fabricated for and used in the frame or grid work of a building, tower, bridge, or similar construction. Fabrication means the laying out of the pieces, the marking, cutting, sawing, drilling, punching, bolting, welding, assembling and finishing of the structural steel products. Raw materials include, but are not limited to, steel I-beams, tube steel, angle steel, and flat steel. Machinery includes overhead cranes, horizontal and vertical band saws, shears, punches, drill press, brake presses, and welding equipment. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes the erection of structural iron or steel in connection with towers, refineries, elevated railways, and buildings which is to be reported separately in the applicable iron or steel construction classification; contractors engaged in building construction who are to be reported separately in the applicable iron or steel construction class; bridge construction, including structural iron or steel erection, which is to be reported separately in the classification applicable to the work being performed; and manufacturing of rebar for construction which is to be reported separately in classification 5209.

5208-01 Brass, bronze, iron - ornamental: Shop fabrication, assembly or manufacture

Applies to establishments engaged in the manufacture, fabrication, or assembly of ornamental items from brass, bronze and/or iron. Products include, but are not limited to, railings, guards, staircases, fire escapes, and art items. Products are often light and do not require cranes or hoists to move them. The processes vary depending on the product being produced. The equipment includes, but is not limited to, iron workers, shears, drill presses, band saws, forklifts, welders, and grinders. The painting of products manufactured is included in this classification when performed by employees of employers subject to this classification. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes installation which is to be reported separately in the classification applicable to the work being performed.

5208-02 Iron works: Fabrication, assembly, or manufacture; nonstructural iron or steel

Applies to establishments engaged in the manufacture, fabrication or assembly of nonstructural iron or steel. Fabrication means the laying out of the pieces, the marking, cutting, sawing, drilling, punching, bolting, welding, assembling and finishing operations including painting. Products include, but are not limited to, cattle crossing grates, window gratings, grill pieces, and storage racks used by warehouses. Equipment includes, but is not limited to, cut saws, welders, drill presses, grinders, band saws, and hoists. This is a shop or plant only classification; it includes work being performed in an adjacent yard when operated by an employer having operations subject to this classification.

This classification excludes installation which is to be reported separately in the classification applicable to the work being performed.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-67601, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-67601, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-67601, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-67601, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-67601, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-67601, filed 2/28/85, effective 4/1/85; 82-24-047 (Order 82-38), § 296-17-67601, filed 11/29/82, effective 1/1/83.]

WAC 296-17-677 Classification 5301.

5301-10 Accounting or bookkeeping services

Applies to establishments engaged in providing general accounting or bookkeeping services to others. Types of services contemplated by establishments subject to this classification include, but are not limited to, auditing, tax preparation, medical or dental claims processing and billing, and/or advisory services. This classification includes all employments such as, but not limited to, clerical office, outside sales, and personnel who travel from one office to another.

This classification excludes establishments engaged primarily in management consultant services that are not otherwise classified, which are to be reported separately in classification 5301-12.

***Special note*:** This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-11 Law firms

Applies to establishments engaged in providing legal services to others. Law firms may specialize in one or more areas of law. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

***Special note*:** This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-12 Management consultant services, N.O.C.

Applies to establishments engaged in providing management consulting services not covered by another classification (N.O.C.). Management consultants typically will observe and analyze organizational structures, work processes or work flows, mail distribution, computer or communication systems, and planning or development of related business needs. After a thorough analysis, consultants usually prepare a written report for the customer which identifies problem areas and/or recommends improvements to processes or equipment. Consultants may remain to oversee the implementation of the recommended improvements. Consultants subject to this classification do not sell any product they have recommended although they may act as an agent for their client in purchasing the product. Consulting projects vary from client to client depending upon the contract. This classification includes clerical office staff, outside sales personnel and other staff who travel from one office to another.

***Special note*:** This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

5301-13 Credit bureaus; collection agencies

Applies to establishments that are licensed to provide collection and/or credit investigation services to others. Services include, but are not limited to, the collection of NSF checks or delinquent debts owed to clients of the collection agency and checking the credit backgrounds of their client's potential customers. If debts are not collected, the service agency may initiate legal proceedings against the debtor. This classification includes clerical office and outside sales personnel, other staff who travel from one office to another, and process servers, although collection agencies subject to this classification generally employ process servers of other businesses to deliver legal documents.

This classification excludes establishments engaged in providing process serving services which may be reported separately in classification 6303 provided all the conditions of the general reporting rules covering standard exception employees have been met.

5301-14 Employment agencies

Applies to establishments that are licensed to provide employment services for others. Clients of employment agencies may be persons seeking employment or companies looking for employees. Employment agencies usually conduct preliminary interviews with candidates for positions prior to referring them to their client companies for interviews. Generally, establishments subject to this classification place people in permanent positions. This classification includes clerical office and outside sales personnel, and staff who travel from one office to another.

This classification excludes employees of a temporary help agency who are assigned to work in the administrative or branch offices of the agency who are to be reported separately in classification 7104 and employees of a temporary help agency who are assigned on a temporary basis to its cus-

tomers who are to be reported separately in the appropriate temporary help classification.

5301-15 Court reporting services

Applies to establishments engaged in providing court reporting services to others. Court reporters record verbatim testimony presented in court proceedings, depositions, public hearings or meetings. The most frequently used method to record testimony is by stenotype machine, although it may be recorded by voice recording on audio tape, or by manual shorthand. Transcription of the recorded material may be performed by the court reporter or by "note readers" or typists. The majority of court reporters today use computer-aided transcription systems. Court reporters may also offer notary public services for their clients. This classification includes clerical office and staff who travel from one office to another.

5301-16 Service and professional organizations

Applies to establishments engaged in protecting or furthering the interest of their members and/or the general public. Many of these operate as nonprofit organizations. Service and professional organizations may perform one or many of the following activities: Maintain a membership directory; collect membership dues; publish a newsletter; sponsor educational training programs; administer certification tests; provide job placement assistance; award scholarships; offer insurance programs; research and interpret local, state, and federal regulations and apprise members of the results; manage promotional marketing programs; organize fund raising campaigns; perform charitable community services; sponsor athletic leagues and tournaments; host conventions; disburse funds; perform collective bargaining; arbitrate disputes; provide counseling, adoption, and advocacy services; lobby the legislature; compile, review, and disseminate informational data; operate a tourist information center; issue vehicle license registrations, plates, decals, and certificates of title. Also included in this classification are Economic Development Councils, Boards, or Associations. These nonprofit organizations provide economic consulting services and related statistics to government and industry in the promotion of economic stability, and recruit businesses who will create jobs and provide loans from the grant funds they manage. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

This classification excludes labor unions and employee representative associations which are to be reported separately in classification 6503, and the collection of donated items by truck which is to be reported separately in classification 1101.

***Special note*:** If a charitable organization subject to classification 5301 operates a retail store for the sale of donated items, the collection of those items by truck, and all store operations, are to be reported separately in classification 6504.

5301-18 Telephone answering services

Applies to establishments engaged in providing telephone answering services for others. Customers include, but are not limited to, medical professionals, attorneys, private businesses, and individuals. Most answering services today use computerized communications systems to identify company names when answering calls for various companies, obtain correct information about the company to respond to questions, record and relay accurate messages in a timely manner. Related services often offered by telephone answering service companies include, but are not limited to, voice mail or paging, rental of office space, telemarketing, dispatching, monitoring alarm systems, placing reminder calls, and scheduling appointments for customers. This classification includes clerical office personnel and staff who travel from one office to another.

5301-19 Travel agencies

Applies to establishments engaged in providing travel arrangement services for others. Travel agencies coordinate all types of travel arrangements for their clients through air, cruise, train, or bus lines, hotels, motels, or resorts, car rental agencies, travel insurance companies, and related travel providers. Services vary and could include delivery of tickets and itineraries to clients, booking reservations and selling tickets for tours, excursions, or other entertainment events, or arrangement of special needs for disabled or elderly travelers. This classification includes clerical office and sales staff who travel from one office to another.

5301-21 Word processing or secretarial services

Applies to establishments engaged in providing word processing or secretarial services to others. Services include, but are not limited to, desktop publishing, dictation and transcription services, typing/compiling reports, proposals, resumes, or correspondence, sending faxes, and making copies of documents. A pickup and delivery service may be offered. This classification includes clerical office and outside sales personnel who travel from one office environment to another.

***Special note*:** This classification is limited to employers engaged in such services being provided to the general public. This is a services only classification and does not include retailing or store operations, nor is this classification to be assigned to employers setting up separate business operations to manage other commonly owned or operated business undertakings unless coincidentally the other operations are also subject to this classification.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-677, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-677, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-677, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 89-24-051 (Order 89-22), § 296-17-677, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-677, filed 5/31/88, effective 7/1/88; 86-12-041 (Order 86-18), § 296-17-677, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-677, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-677, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-677, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-677, filed 11/29/82, effective 1/1/83. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-677, filed 11/27/78, effective 1/1/79; Order 75-38, § 296-17-677, filed 11/24/75, effective 1/1/76; Order 73-22, § 296-17-677, filed 11/9/73, effective 1/1/74.]

WAC 296-17-680 Classification 6103.

6103-01 Schools: Academic, K-12 - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as principals, assistant principals,

receptionists, secretaries, counselors, school nurses, payroll and bookkeeping personnel, and teachers or teachers' aides of establishments engaged in operating public or private academic school facilities, K-12 (kindergarten level through grade 12).

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers' aides who are exposed to machinery hazards such as a wood shop, metal shop, print shop, auto shop, and driver training instructors who are to be reported separately in classification 6104.

6103-02 Schools: Trade or vocational - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and professors or instructors of establishments engaged in operating trade or vocational school facilities. These types of schools provide specialized training and instruction to prepare students for occupations in the chosen fields. Often these facilities will coordinate on-the-job training with employers as well as assist students in finding employment.

This classification excludes all other types of employees in connection with the school facilities such as, but not limited to, cooks, drivers, custodians, maintenance personnel and grounds keepers, and professors or instructors who are exposed to machinery hazards such as a wood shop, metal shop, print shop and auto shop who are to be reported separately in classification 6104.

6103-03 Libraries, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating library facilities not covered by another classification (N.O.C.). These types of facilities maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers who are to be reported separately in classification 6104.

6103-04 Churches - clerical office, sales personnel, teachers, N.O.C. and administrative employees
Bell ringers

Applies to clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors of establishments engaged in operating church facilities for members of a religious congregation to meet and worship on a daily or weekly basis. Other services provided include, but are not limited to, sermons, rites, counseling, baptisms, weddings, funerals, bible school, and child care during church services and events. When a church is also operating a school facility, the church classifications are to be assigned for both operations. This classification also applies to bell ringers for charitable organizations.

This classification excludes all other types of employees in connection with the church facilities such as, but not limited to, custodians, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-05 Museums, N.O.C. - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel and administrative employees such as directors, assistant directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). Museums maintain a wide variety of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packers, and warehousemen who are to be reported separately in classification 6104.

6103-06 Day nurseries or child day care centers - clerical office, sales personnel, teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, and administrative employees such as teachers, teachers' aides and nurses of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, or in providing baby-sitting services. Employees will instruct children in activities designed to promote social, physical, and intellectual growth in preparation for primary school. Most day care centers provide breakfast and lunch.

This classification excludes all other types of employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers who are to be reported separately in classification 6104.

6103-10 Flight instructions - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to clerical office, sales personnel, classroom instructors, and administrative employees of establishments engaged in providing classroom instruction to student pilots in flight procedures and techniques. Flight instructors explain various aircraft components and instruments for controlling aircraft during maneuvers, and, using flight simulators, demonstrate procedures such as, but not limited to, take-offs and landings.

This classification excludes all other types of employees such as, but not limited to, custodians, maintenance personnel and grounds keepers and drivers who are to be reported separately in classification 6104 and in-air flight instructors outside the classroom who are to be reported separately in the classification 6803.

***Special note*:** Reporting rules are outlined in the division of worker hours provision in the general rules.

6103-11 Schools: N.O.C. - clerical office, sales personnel, classroom teachers, N.O.C. and administrative employees

Applies to classroom instructors, clerical office, sales personnel and administrative employees such as directors and assistant directors, coordinators, instructors, receptionists, secretaries, counselors, payroll and bookkeeping personnel of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.). Schools include, but are not limited to, dance, modeling, music, driving, cooking, first aid, and schools for coaches. Modeling and dance schools emphasize poise, balance, facial gestures, self-confidence, and counseling in wardrobe and make-up. Music schools emphasize the disciplines of playing various instruments. Driving schools concentrate on the rules, principles, and coordination needed to drive safely, using textbooks, audio-visuals, and driving simulators.

This classification excludes all other types of employees in connection with the specialized school facilities such as, but not limited to, custodians, maintenance personnel and grounds keepers, and instructors who perform activities not as part of a classroom environment who are to be reported separately in classification 6104 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

6103-12 Officials for amateur athletic or cultural events, N.O.C. - clerical office, teachers, N.O.C. and administrative employees

Applies to clerical office employees, administrative employees, and event officials of establishments engaged in providing officials such as, but not limited to, umpires or referees for amateur athletic or cultural events sponsored by schools or communities. Events include, but are not limited to, sports, spelling bees, debates, and musical competitions.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-680, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-680, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-680, filed 5/31/96, effective 7/1/96; 88-12-050 (Order 88-06), § 296-17-680, filed 5/31/88, effective 7/1/88; 87-12-032 (Order 87-12), § 296-17-680, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-680, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-680, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-680, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-680, filed 11/9/73, effective 1/1/74.]

WAC 296-17-681 Classification 6104.

6104-01 Schools: Academic, K-12 - all other employments, N.O.C.

Applies to all other employees of public or private academic schools K-12 (kindergarten level through grade 12). All other in this classification is defined as employees such as, but not limited to, cooks, bus drivers, custodians, maintenance personnel and grounds keepers, and teachers or teachers aides who are exposed to machinery hazards such as wood shop, metal shop, print shop, auto shop, and driver instructors.

This classification excludes clerical office, sales personnel and administrative employees such as principals, assistant principals, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-02 Schools: Trade or vocational - all other employments, N.O.C.

Applies to all other employees of trade or vocational schools. All other in this classification is defined as employees such as, but not limited to, cooks, drivers, driving instructors, custodians, maintenance personnel and grounds keepers, and teachers and teachers aides who are exposed to machinery hazards such as, but not limited to, those in wood shop, metal shop, automotive shops, and plumbing or electrical work. Vocational or trade schools provide specialized training and instruction to prepare students for occupations in their chosen field. Often these facilities will coordinate on-the-job training and assist students in finding employment.

This classification excludes clerical office, sales personnel and administrative employees such as deans, directors, assistant directors, receptionists, secretaries, counselors, payroll and bookkeeping personnel and teachers or teachers' aides who have no exposure to machinery hazards who are to be reported separately in classification 6103.

6104-03 Libraries, N.O.C. - all other employments, N.O.C.

Applies to all other employees of library facilities which are not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, drivers, and storage room workers. Libraries maintain a wide selection of reading materials such as books, journals, articles, magazines, publications, newspapers, and audio-visual or micrographic materials.

This classification excludes clerical office, sales personnel and administrative employees such as librarians, assistant librarians, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-04 Churches - all other employments, N.O.C.

Applies to all other employees of churches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel, grounds keepers, and drivers. Services offered by a church include, but are not limited to, providing a place for members of a religious congregation to meet and worship on a daily or weekly basis, sermons, rites, counseling, baptisms, weddings, funerals, bible school, child care during church services and events.

This classification excludes clerical office, sales personnel and administrative employees such as pastors, priests, reverends, clergymen, ushers, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and instructors who are to be reported separately in classification 6103.

6104-05 Museums, N.O.C - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating museum facilities not covered by another classification (N.O.C.). All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers (including exhibit set-up), drivers, packagers, and warehousemen.

Museums maintain a wide selection of artifacts, art, statues, sculptures, and other exhibit works.

This classification excludes clerical office, sales personnel and administrative employees such as museum directors, assistant museum directors, buyers, coordinators, tour guides, receptionists, secretaries, and payroll and bookkeeping personnel who are to be reported separately in classification 6103.

6104-06 Day nurseries or child day care centers - all other employments, N.O.C.

Applies to all other employees of establishments engaged in operating day nurseries or day care centers for infants, toddlers, and children, which provide activities to promote social, physical, and intellectual growth in preparation for primary school. All other in this classification is defined as employees such as, but not limited to, custodians, cooks, maintenance personnel and grounds keepers, and drivers.

This classification excludes clerical office, sales personnel and administrative employees such as principals, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and teachers or teachers' aides who are to be reported separately in classification 6103.

6104-11 Schools: N.O.C - all other employments, N.O.C.

Applies to all other employees of establishments engaged in providing specialized classroom instruction to students in schools which are not covered by another classification (N.O.C.) such as, but not limited to, dance, modeling, music, cooking, first aid, and schools for coaches. All other in this classification is defined as employees such as, but not limited to, custodians, maintenance personnel and grounds keepers, and instructors or teachers who perform activities not as part of a classroom environment or who are exposed to machinery hazards.

This classification excludes administrative employees such as directors and assistant directors, coordinators, receptionists, secretaries, counselors, payroll and bookkeeping personnel, and classroom instructors, who are to be reported separately in classification 6103 and driving instructors outside of the classroom who are to be reported separately in classification 6301.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-681, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-681, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-681, filed 5/31/96, effective 7/1/96; 87-12-032 (Order 87-12), § 296-17-681, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-681, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-681, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-681, filed 11/30/83, effective 1/1/84; Order 73-22, § 296-17-681, filed 11/9/73, effective 1/1/74.]

WAC 296-17-698 Classification 6303.

6303-00 Outside sales personnel, N.O.C.; messengers

Applies to those employees whose job duties and work environment meet *all* the conditions of the general reporting rules covering outside sales personnel, and who are not covered by another classification (N.O.C.) assigned to the employer's account. Duties of outside sales personnel contemplated by this classification are limited to soliciting new customers by telephone or in person, showing, selling, and explaining products or services, servicing existing accounts, completing correspondence, placing orders, performing public relations duties, and estimating. Duties of messengers are limited to delivering interoffice mail, making deposits, and similar duties that are exclusively for the administration of the employer's business.

This classification excludes the delivery of products or merchandise or the stocking of shelves which is to be reported separately as applicable; the demonstration or delivery of machinery or equipment which are to be reported separately as applicable, establishments engaged as collection agencies or public relations agencies which are to be reported separately in classification 5301; establishments engaged in providing inspection and valuations exclusively for insurance companies which are to be reported separately in classification 4903.

***Special note*:** When considering this classification care must be taken to look beyond titles of employees. Employees with occupational titles such as, but not limited to, collectors, counselors, consultants, or appraisers may or may not qualify for this classification. This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met.

6303-03 Insurance sales personnel and claims adjusters

Applies to insurances sales personnel and claims adjustors with outside duties. Duties of employees subject to this classification are limited to selling insurance policies at their place of business or at the client's home, or going to the scene of an accident or catastrophe to assess damage. Work may be performed within an office or away from the employer's premises.

***Special note*:** Individuals performing duties as an agent, broker, or solicitor (and hold a license as issued by the office of the insurance commissioner) are exempt from coverage as specified in RCW 51.12.020(11) and 48.17.010, 48.17.020, and 48.17.030. To elect voluntary coverage these individuals must submit a completed optional coverage form to the department.

6303-21 Home health care services: Social workers and dietitians

Applies to social workers and dietitians employed by home health care service establishments who provide care for handicapped individuals. Duties of these employees include teaching and assisting physically or developmentally disabled individuals in their own home to manage daily living skills such as caring for themselves, dressing, cooking, shopping, and going to the doctor. This classification also includes dietitians, sometimes called nutritionists, who usually are referred to patients by their physicians. The dietitian assesses the patient's current nutritional status, including current food intake, medical background, family history, currently prescribed medications, and social and psychological needs, then develops, a food plan to meet the patient's needs. Employees subject to this classification do no cooking.

This classification excludes nursing and home health care services which are to be reported separately in classification 6110; therapy services which are to be reported separately in classification 6109; domestic servants who are to be

reported separately in classification 6510; and chore workers who are to be reported separately in classification 6511.

***Special note*:** This is a restrictive classification; the qualifying factor is that all the conditions of the general reporting rules covering standard exception employees have been met. *This classification is not to be assigned to any account that does not also have classification 6110 and/or 6511.*

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-698, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-698, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-698, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-698, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-698, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-698, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-698, filed 11/30/79, effective 1/1/80; Order 76-36, § 296-17-698, filed 11/30/76; Order 73-22, § 296-17-698, filed 11/9/73, effective 1/1/74.]

WAC 296-17-72201 Classification 6510.

6510-00 Domestic servants/home care assistants employed in or about the private residence of a home owner

Applies to individuals employed by a home owner to provide domestic services/home care assistants in the home owner's private residence. This classification includes services such as, but not limited to, cooking, housekeeping, caring for children, caring for the elderly and handicapped including personal care such as bathing, body care, dressing and help with ambulating, as well as companionship, running errands, shopping, and transporting members of the household by vehicle to appointments, after school activities, or similar activities.

This classification is subject to the provisions of RCW 51.12.020 - Employments excluded - which states in part: "The following are the only employments which shall not be included within the mandatory coverage of this title: Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment." This classification is also subject to the provisions of RCW 51.12.110 which allows the employer to elect optional coverage for domestic servants.

This classification excludes chore services which are to be reported separately in classification 6511; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-72201, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-72201, filed 8/28/98, effective 10/1/98.]

WAC 296-17-72202 Classification 6511.

6511-00 Chore services/home care assistants

Applies to establishments engaged in providing chore services/home care assistants to private individuals. Chore services performed by the chore workers/home care assistants include, but are not limited to, general household chores, meal planning and preparation, shopping and errands either with or without the client, personal care such as bathing, body care, dressing, and help with ambulating, as well as companionship. Frequently the recipients of service are funded by DSHS or some other community service agency; however, the services are also available to those who pay privately. This classification also applies to supportive living, tenant support, and intensive tenant support services.

This classification excludes individuals working under a welfare special works training program who are to be reported separately in classification 6505; domestic (residential) cleaning or janitorial services which are to be reported separately in classification 6602; and skilled or semiskilled nursing care which is to be reported separately in classification 6110.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-72202, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 99-18-068, § 296-17-72202, filed 8/31/99, effective 10/1/99; 98-18-042, § 296-17-72202, filed 8/28/98, effective 10/1/98.]

WAC 296-17-724 Classification 6602.

6602-02 Contract window washing services

Applies to establishments engaged in contract window washing services not done in connection with a janitorial service. These establishments specialize in cleaning both interior and exterior windows in residential and commercial, single and multistory buildings.

This classification excludes establishments engaged in residential cleaning which are to be reported separately in classification 6602-04 and establishments engaged in both commercial and residential cleaning which are to be reported separately in classification 6602-03.

6602-03 Janitorial cleaning services, N.O.C.

Applies to establishments engaged in providing general interior cleaning services for commercial businesses or for combined commercial and residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances, and replacing light globes, paper or linen towels. This classification includes window washing when performed by the janitorial service employees in conjunction with a general house cleaning contract, it also includes the cleaning of swimming pools, spas and hot tubs. Fire restoration, which includes cleaning smoke or water damaged buildings, drying and/or cleaning carpets and upholstered furniture, washing and polishing furniture, washing walls, washing and waxing floors, cleaning personal contents of the home or business such as linens, dishes, drapes, and other general cleaning tasks, are included in this classification.

This classification excludes establishments engaged exclusively in contract window washing services which are to be reported separately in classification 6602-02, and establishments engaged in residential cleaning which are to be reported separately in classification 6602-04.

***Special note*:** Care should be exercised with companies specializing in fire restoration or water damage related work. These companies may be general contractors who will not only do the clean up work, but will also do repairs such as,

but not limited to, repair or replace cabinets, doors, and fixtures, patch drywall, paint, and replace windows. Construction-related tasks, when performed by a company doing the clean up work, are to be assigned the appropriate construction classification. Each contract should be reviewed to determine the proper classification assignment. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy cleanup are to be reported in the applicable construction classification.

6602-04 Janitorial cleaning services - residential

Applies to establishments engaged in providing general interior janitorial cleaning or services to residential customers. General cleaning services include, but are not limited to, washing, waxing, and polishing floors, vacuuming and shampooing carpets, dusting and washing walls, dusting or cleaning mirrors, cabinets, moldings, lights, hardware, sinks, tubs, commodes, and appliances. This classification includes window cleaning when performed in connection with a general house cleaning contract.

This classification excludes establishments engaged exclusively in contract window cleaning which are to be reported separately in classification 6602-02 and establishments engaged in commercial or combined commercial and residential cleaning which are to be reported separately in 6602-03.

6602-05 Janitors, N.O.C.

Applies to the janitorial staff assigned to clean the clerical and administrative offices of establishments whose principle business undertaking is other than providing janitorial services *and* who are eligible to report their clerical employees in classification 4904. *This classification is applicable only to janitors who clean the office area*. Janitors who clean outside the office area such as a shop, warehouse, or retail store area, are excluded from this classification and are to be reported separately in the classification applicable to the employer's business.

***Special note*:** See the special exception section of the general rules for a complete description of these requirements.

6602-08 Pest control

Applies to establishments engaged in pest control services for others. These establishments offer inspection for, and elimination of, unwanted pests in buildings and other wooden structures. Pests include, but are not limited to, termites, carpenter ants, fleas, ticks, mice, ants, cockroaches, and bees. This classification applies to all operations of elimination services such as, but not limited to, spraying liquid or aerosol pesticide, dusting with powder, setting out traps or bait, applying pesticides to the soil to creating a chemical barrier around the base of a structure, digging trenches around foundations, and drilling holes through masonry surfaces in order to pour or pump chemicals into the infected areas. Establishments may also offer inspection and certification services for customers seeking mortgage approval.

This classification excludes any structural repairs which are to be reported separately in the appropriate construction classification.

6602-10 Portable cleaning and washing, N.O.C.

Applies to establishments engaged in cleaning and washing services not otherwise classified (N.O.C.). This classification contemplates cleaning and washing, by means of portable spray or steam power units, machinery, equipment, automobiles, trucks, recreational vehicles, mobile homes, walk-in freezers, and shopping carts. This classification also applies to the cleaning or removal of snow from roofs, gutters or downspouts of one-story buildings.

This classification excludes establishments engaged in cleaning buildings or structures, cleaning or removing snow from roofs, gutters, and downspouts on multistory buildings, which are to be reported separately in classification 0504.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-724, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-724, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-724, filed 5/31/93, effective 7/1/93; 89-24-051 (Order 89-22), § 296-17-724, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035. 87-12-032 (Order 87-12), § 296-17-724, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-724, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-724, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-724, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-724, filed 11/29/82, effective 1/1/83; Order 73-22, § 296-17-724, filed 11/9/73, effective 1/1/74.]

WAC 296-17-729 Classification 6607.

6607-00 Card rooms; bingo parlors or casinos

Applies to establishments engaged in operating card rooms, bingo parlors, or casinos. To qualify for this classification, card rooms must be run as a separate operation when located in a tavern or restaurant that has a license to sell spirits or hard liquor. This classification includes employments such as, but not limited to, dealers, security floor managers, janitorial and maintenance staff, and food and beverage operations. Bingo parlors and casinos are usually operated by Native American tribal organizations or by nonprofit organizations to raise funds for charity. This classification applies to any workers these organizations employ to operate bingo or casino games. Typical employments include, but are not limited to, game attendants and helpers, money collectors, callers, card dealers, janitorial and maintenance staff, and food and beverage operations.

***Special note*:** Coverage for Native American tribes conducting a bingo operation is subject to jurisdictional policy.

6607-01 Billiard or pool halls

Applies to establishments engaged in operating billiard or pool halls. This classification *could* apply to the operation of a billiard or pool hall in connection with another enterprise, such as a bowling alley or skating rink, but *only* if it is conducted as a separate and distinct operation. This classification includes, but is not limited to, counter personnel who collect money for the rental of billiard and pool equipment, rackers, food and beverage operations, and janitorial and maintenance staff.

This classification excludes clerical office and outside sales personnel who may be reported separately provided all the conditions of the general reporting rules covering standard exception employees have been met; billiard or pool tables that are provided as part of a bowling center, tavern, or restaurant operation which are to be reported separately in the applicable classification.

6607-02 Recreational, social or community centers, N.O.C.

Applies to establishments engaged in operating recreational, social or community centers not covered by another classification (N.O.C.) such as, but not limited to, senior centers, community centers for minors, and adult social establishments. These organizations may target a particular age or cultural group. Organizations may provide educational workshops, social interaction, drug prevention programs, crafts and limited physical recreational activities. This classification includes food or beverage operations provided by the center. Organizations in classification 6607 do not require membership fees as opposed to clubs in classification 6205 that charge a fee for membership.

This classification excludes YMCA's and boy/girls clubs which are to be reported separately in classification 6203; health clubs and gymnasiums which are to be reported separately in classification 6204; clubs, N.O.C. such as fraternal organizations which are to be reported separately in classification 6205, and municipal community centers which are to be reported separately in the applicable classification.

6607-03 Indoor playgrounds

Applies to establishments that provide indoor entertainment centers for children. Generally these operations include a playground area consisting of interconnecting tubes, ladders, slides, ball bins, roller slides, and water and/or air beds. The equipment is typically made of plastic, rubber, and/or plexi-glass. Video games may also be available on the premises but generally they are maintained by the game vendor. Typical duties of the employees include, but are not limited to, selling tickets, supervising the playground area, facilitating parties, snack bar operations and light cleaning such as dusting the tubes, vacuuming and cleaning the snack area. The more involved janitorial duties are usually contracted out to a private janitorial firm. Included in this classification is child day care service whereby parents can leave children at the playground for a specific period of time. This service usually places limitations on the time a child may be left at the center.

This classification excludes child day care services not part of an indoor playground operations which are to be reported separately in classifications 6103 and 6104; amusement parks, permanently located kiddie rides, and establishments which provide adult or family sports entertainment, which may include batting cages and miniature golf, which are to be reported separately in classification 6208; and establishments engaged in providing gymnastic training to children which are to be reported separately in classification 6204.

***Special note*:** Normally establishments in this classification do not employ workers who are engaged exclusively in clerical office or sales. However, separate classifications could be assigned provided all the conditions of the general reporting rules covering standard exception employees have been met.

6607-04 Indoor simulated golfing

Applies to establishments engaged in providing computer simulated indoor golf facilities to the public. The operation consists of separate cubicles which house a computer simulated screen and a play area. Customers select a particular course from a list of available courses which are generally exact replicas of famous courses throughout the world. The player hits a golf ball against a canvas screen inside the cubicle; a computer measures the speed and direction of the ball and simulates the shot so the player can view the results on the screen. Facilities may provide a small putting area, a snack area with limited seating, and/or the sale of golf shirts and memorabilia. Typical duties of the workers include monitoring facilities, setting up computers and collecting the admission price, selling memorabilia, food and beverage operations, and light janitorial work.

This classification excludes miniature golf courses and driving ranges which are reported separately in classification 6208.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-729, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-729, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-729, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-729, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-729, filed 2/28/85, effective 4/1/85; Order 73-22, § 296-17-729, filed 11/9/73, effective 1/1/74.]

WAC 296-17-752 Classification 6907.

6907-01 Household furnishings moving and storage

Applies to establishments engaged in interstate and/or intrastate moving and/or storage of household furnishings. Work contemplated by this classification includes packing and unpacking, loading and unloading of household goods, transportation from one residence to another, and temporary storage of household goods in a warehouse. This classification includes the moving van drivers, packing personnel, laborers who assist in the loading and unloading operations, warehouse employees and truck mechanics.

This classification excludes intrastate and/or interstate delivery of nonhousehold furnishings which are to be reported separately in either classification 1101 or 1102, as applicable, and nonhousehold furnishing warehouses, which are to be reported separately in the appropriate warehouse classification.

***Special note*:** Establishments subject to this classification are to report actual hours worked for each driver. However, the hours are to be capped at 520 hours per driver per quarter. Detailed information can be found in the general audit rule covering the trucking industry and in RCW 51.12.095.

[Statutory Authority: RCW 51.04.020, 51.16.035, and 51.12.120. 03-23-025, § 296-17-752, filed 11/12/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-752, filed 8/28/98, effective 10/1/98; 85-24-032 (Order 85-33), § 296-17-752, filed 11/27/85, effective 1/1/86; Order 77-27, § 296-17-752, filed 11/30/77, effective 1/1/78.]

WAC 296-17-757 Classification 7104.

7104-01 Temporary staffing services: Administrative office personnel

This classification applies to employees such as, but not limited to, clerical office, payroll, accounting, human resource managers, data processing, and outside sales personnel of the temporary staffing company who work in the administrative or branch offices of a temporary staffing company.

This classification excludes all other employees of a temporary staffing company who are assigned to work for a client customer. Temporary staffing employees who are assigned to work in the client customer's administrative or clerical office are to be reported separately in classification 7105.

Note: This classification also applies to an employment agency's administrative office when conducted in connection with a temporary staffing company operation.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-757, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-757, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-757, filed 5/31/88, effective 7/1/88; 85-24-032 (Order 85-33), § 296-17-757, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-757, filed 11/30/83, effective 1/1/84. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-757, filed 11/30/79, effective 1/1/80.]

WAC 296-17-758 Classification 7105.

7105-01 Temporary staffing services: Office support services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged wholly in office work for the client customer. This classification includes occupations such as, but not limited to, clerks, typists, receptionists, secretaries, accountants, actuaries, attorneys, bank tellers, bookkeepers, word processors, data entry operators, computer programmers, drafters, designers, graphic artists, technical writers, technical illustrators, design engineers, library assistants, telemarketers, dispatchers, prepress work for printers, collating by hand such as in a bindery, and mail clerks who do not operate equipment. Employees subject to this classification are not required to be physically located in the client customer's clerical office. The test is whether they perform clerical office duties as described in WAC 296-17-31018(2). Employees who perform clerical office duties described in this classification are not required to be assigned classifications 7106 through 7122. A division of worker hours is not permitted between this classification and any other classification.

Note: This classification excludes temporary staffing employees assigned to a client customer whose duties include operation of equipment such as, but not limited to, mail stuffing and sorting equipment, and collating machines who are to be reported separately in classification 7109-01.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-758, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-758, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-758, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-758, filed 5/31/88, effective 7/1/88; 87-12-032 (Order 87-12), § 296-17-758, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-758, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-758, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-758, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-758, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-758, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-758, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-758, filed 11/30/79, effective 1/1/80.]

WAC 296-17-759 Classification 7106.

7106-01 Temporary staffing services: Retail or wholesale store operations

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in activities related to a store operation as opposed to a warehouse or repackaging operation. Activities may include a combination of clerical type duties and those that require minimal physical lifting. This classification includes occupations such as, but not limited to, cashiers, stockers, beauticians, gift wrappers, buyers, product demonstrators, booth aids, models, outside sales persons, and inventory takers. This classification excludes employees of a temporary staffing company who are assigned on a temporary basis to a client customer to work in an adjacent storage area such as a lumber or building material yard of a home improvement center or a masonry dealer are to be reported separately in classification 7114.

Note: For the purpose of this classification, inventory services covered by this classification is limited to those services provided to a client company when performed in a retail/wholesale store.

All other inventory employees are to be reported separately in classification 7114-00 provided they do not operate equipment or machinery.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-759, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-759, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-759, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-759, filed 5/31/88, effective 7/1/88; 87-12-032 (Order 87-12), § 296-17-759, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-759, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-759, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-759, filed 11/29/82, effective 1/1/83; 80-17-016 (Order 80-23), § 296-17-759, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-759, filed 11/30/79, effective 1/1/80.]

WAC 296-17-760 Classification 7107.

7107-01 Temporary staffing services: Bakery, restaurant, or food sundry preparation; musicians or entertainers

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in activities such as, but not limited to, baking, cooking, food preparation, waiting and busing tables, and dishwashing. This classification also includes musician and entertainment employees assigned on a temporary basis to a client customer.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-760, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-760, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-760, filed 5/31/88, effective 7/1/88; 87-12-032 (Order 87-12), § 296-17-760, filed 5/29/87, effective 7/1/87; 85-24-032 (Order 85-33), § 296-17-760, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-760, filed 2/28/85, effective 4/1/85; 83-24-017 (Order 83-36), § 296-17-760, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-760, filed 11/29/82, effective 1/1/83; 80-17-016 (Order 80-23), § 296-17-760, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-760, filed 11/30/79, effective 1/1/80.]

WAC 296-17-761 Classification 7108.

7108-01 Temporary staffing services: Warehouse operations including incidental packaging and repackaging of goods

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer who are engaged in operating a storage or distribution warehouse for dry goods such as, but not limited to, clothing, fabric, yarn and shoes; or houseware items such as glassware (bowls, vases, bottles), linens and china; or books, computer discs, bulk film, cassette tapes, records, and pharmaceutical preparations. Employees assigned to this classification may be involved in incidental repackaging of products described in this classification when they are performed in a storage or distribution warehouse covered by this classification.

Note: This classification excludes all employees who do assembly work; all employees who are involved in freight/material handling of hard goods such as, but not limited to, wood, metal, plate glass, plastic, or masonry products; and all employees assigned to a client customer engaged in any manufacturing or processing operation even though the employees' duties are limited to shipping and receiving activities of products covered by this classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-761, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-761, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-761, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-761, filed 5/31/88, effective 7/1/88; 87-12-032 (Order 87-12), § 296-17-761, filed 5/29/87, effective 7/1/87; 86-12-041 (Order 86-18), § 296-17-761, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-761, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-761, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-761, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-761, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-761, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-761, filed 11/30/79, effective 1/1/80.]

WAC 296-17-762 Classification 7109.

7109-01 Temporary staffing services: Electronic, precision, and scientific equipment assembly; nonfield technician services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in the assembly of electronic or biomedical equipment or engaged in printing and bindery work and temporary staffing employees assigned to work in a client company's mail room and who as a part of their duties operate bindery, labeling, mailing or sorting machines. This classification includes, but is not limited to, electronic assemblers, electro-mechanical assemblers, quality control inspectors, test technicians, kit pullers, storekeepers, upholsterers, laboratory technicians, printers, offset operators, lead typesetters, mail clerks who operate equipment, and bindery workers.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-762, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-762, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-762, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-762, filed 5/31/88, effective 7/1/88; 85-24-032 (Order 85-33), § 296-17-762, filed 11/27/85, effective 1/1/86; 83-24-017 (Order 83-36), § 296-17-762, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-762, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-762, filed 11/30/81, effective 1/1/82. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-762, filed 11/30/79, effective 1/1/80.]

WAC 296-17-76201 Classification 7110.

7110-00 Temporary staffing services: Field engineer and field technician services; parking lot attendants, N.O.C.

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in duties away from the customers' premises and who are providing field engineering, field technician services, traffic counters, and surveying services, telephone installation and service within buildings, vending machine service, and to parking lot or garage attendants, weigh scale attendants, and service station attendants (other than mechanics). This classification also includes employees of a temporary staffing company assigned to a client company to wash or detail rental cars, provide lot services such as moving cars or checking rental agreements and drivers who move rental or customer cars from one lot to another.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76201, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76201, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-76201, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-76201, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76202 Classification 7111.

7111-00 Temporary staffing services: Health care, medical laboratory, quality control services, testing laboratories, N.O.C.; homemaker services and home health care services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer who are engaged in health care services. This classification includes employments such as, but not limited to, therapists, nurses, nurses aides, physicians, dental hygienists, laboratory technicians, and assistants who work at a health care facility or at the home of the patient.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76202, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76202, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-76202, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-76202, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76203 Classification 7112.

7112-00 Temporary staffing services: Agricultural operations

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any aspects of agricultural operations such as field crops, livestock, stables, dairies, nurseries, and greenhouses. This classification contemplates all agricultural employments including the operation of power driven farm machinery or equipment.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76203, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76203, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76203, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76204 Classification 7113.

7113-00 Temporary staffing services: Janitorial, plant or facility supplemental maintenance and grounds keeping services

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in janitorial work, building preoccupancy cleanup, plant or facility maintenance, and/or grounds maintenance work on an existing landscape. Grounds keeping work contemplated by this classification means, but is not limited to, mowing lawns, pruning shrubs, and weeding, as compared to new landscape construction work. This classification includes landscape workers involved exclusively in hand labor work such as raking, digging, using a wheelbarrow to haul soil, beauty bark or decorative rock, whether performed as maintenance of existing landscape or new landscape work.

This classification excludes employees engaged in cleaning exterior windows, cleaning and removing debris or building material, and construction of new landscapes such as, but not limited to, clearing of land, installation of underground sprinkler systems, moving boulders, who are to be reported separately in classification 7118; and employees engaged in removing trees who are to be reported separately in classification 7121. A division of worker hours is not permitted between this classification and any other classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76204, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76204, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-76204, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-76204, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76205 Classification 7114.

7114-00 Temporary staffing services: Warehouse operations, N.O.C. including incidental assembly work; inventory takers, N.O.C.

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer who are engaged in warehousing or distribution operations N.O.C. Products may include, but are not limited to, tires, mattresses, furniture, appliances, bricks, lumber, window sashes, bicycles, lawn and garden tools, lawn mowers, canned goods, beverages, pipe and wire. Employees assigned to this classification may do some assembly work such as, but not limited to, putting doors on cabinets and putting pedals, seats and handlebars on bicycles. Assembly work may involve the use of hand held tools to assemble goods. This classification contemplates that temporary staffing employees working in these warehouse operations may use hand trucks, powered and nonpowered pallet jacks and forklifts for freight handling. This classification also applies to employees of a temporary staffing company assigned to a client customer to do inventory work not covered by another classification; and to employees of a temporary staffing company assigned to work in a client customer's home improvement center, building supply center, masonry store, pipe dealer or similar business's storage yard or warehouse.

This classification excludes all employees assigned to work at a client customer's manufacturing, processing or production plant even though the employees do not operate equipment. A division of worker hours is not permitted between this classification and any other classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76205, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76205, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-76205, filed 5/31/93, effective 7/1/93. Statutory Authority: RCW 51.16.035. 88-12-050 (Order 88-06), § 296-17-76205, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76206 Classification 7115.

7115-00 Temporary staffing services: Cannery, bottling or food processing operations

This classification applies all to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in cannery, bottling or food processing operations such as, but not limited to, canning, freezing, or dehydrating, or in packing fresh fruits or vegetables. Cooking or otherwise preparing food prior to processing or packing is included in this classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76206, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76206, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76206, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76207 Classification 7116.

7116-00 Temporary staffing services: Flagging services by specialty contractor for public utility line construction

This classification applies to specialty (nonconstruction) contractors that are providing flagging services on public utility, power, water, or gas line construction projects. This classification also applies to employees of a temporary staffing company who are assigned to provide flagging services on a temporary basis to a public utility company (nonconstruction contractor) during the construction or extension of overhead or underground power, water, or gas lines.

This classification excludes employees of construction contractors who perform flagging duties who are to be reported separately in the classification applicable to the construction work the construction contractor is performing.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76207, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76207, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-76207, filed 5/31/96, effective 7/1/96; 88-12-050 (Order 88-06), § 296-17-76207, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76208 Classification 7117.

7117-00 Temporary staffing services: Manufacturing operations, N.O.C.; specialty trades

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer engaged in a variety of manufacturing and processing operations. This classification includes employees who may operate power driven equipment or machinery such as, but not limited to, forklifts, table saws, drill presses, industrial packaging and processing equipment or machinery N.O.C. This classification includes occupations such as, but not limited to, machinists, mechanics, welders, tool and die makers, cabinet makers, painters, and fabricators. This classi-

fication also includes employees of a temporary staffing company who work in the specialty trades of plumbing, electrical wiring, or sheet metal work either at a plant or a construction site. Businesses or industries contemplated by this classification include, but are not limited to, cabinet shops, wood products manufacturers, plastic goods manufacturers, fiberglass goods manufacturers, glass manufacturers, foundries, metal goods manufacturers, brick, cement or masonry products manufacturers; lumber remanufacturers, amusement parks, sign painting shops, and laundries, but does not apply to shake or shingle mills.

This classification excludes all employees of a temporary staffing company assigned to work for a client customer at a construction site except the specialty trades described above. This classification also excludes employees of a temporary staffing company who are assigned to work in maritime trades subject to Washington workers' compensation laws who are to be reported separately in classification 7120; and employees assigned to do plant maintenance work in a customer's plant who are to be reported separately in classification 7113.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76208, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76208, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76208, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76209 Classification 7118.

7118-00 Temporary staffing services: Flagging services by specialty nonconstruction contractor, N.O.C.; construction employments, N.O.C.

This classification applies to specialty nonconstruction contractors that are providing flagging services not covered in classification 7116. This classification also applies to employees of a temporary staffing company assigned on a temporary basis to a client customer and who are engaged in any aspect of construction work such as, but not limited to, road construction, new landscape work, N.O.C., nonagricultural tree topping and nonagricultural tree pruning, underground or overhead utility lines, fence erection, metal erection and installation of signs or lighting. This classification further includes the operation of equipment, machinery, and tools by temporary staffing employees covered by this classification, and to temporary staffing employees assigned to perform security and flagging services for a client customer who are not covered by another classification.

This classification does not apply to employees of construction contractors who are to be reported separately in the classification applicable to the construction work the construction contractor is performing; employees of a temporary staffing company who are assigned to a client customer engaged in tree removal services who are to be reported separately in classification 7121; or to employees of a temporary staffing company who are working in the specialty trades of plumbing, electrical wiring, or sheet metal work for a client customer who are to be reported separately in classification 7117.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76209, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76209, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-76209, filed 5/31/96, effective 7/1/96; 88-12-050 (Order 88-06), § 296-17-76209, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76210 Classification 7119.

7119-00 Temporary staffing services: Commercial vehicle operations, N.O.C.; sawmill operations

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in commercial vehicle operations such as, but not limited to, driving truck for a moving or storage company, driving garbage collection trucks, driving pilot cars, driving delivery vehicles, driving buses or driving taxis. This classification also applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any aspect of sawmill work such as, but not limited to, operating machinery, grading lumber, or sorting and stacking lumber.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76210, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76210, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76210, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76211 Classification 7120.

7120-00 Temporary staffing services: Hazardous waste handling; maritime employments

This classification applies to all employees N.O.C., of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in hazardous waste handling operations. This classification also applies to all employees N.O.C., of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in maritime operations subject to Washington workers' compensation laws, including diving or subaqueous work.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76211, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76211, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76211, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76212 Classification 7121.

7121-00 Temporary staffing services: Logging; tree removal service; stump grinding services; shake or shingle mills; aircraft flight crew members

This classification applies to all employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged in any phase of logging or aircraft operations or who are assigned to work in any lumbering mill, including equipment or machinery operators related to industries subject to this classification.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76212, filed 9/30/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-76212, filed 8/28/98, effective 10/1/98; 88-12-050 (Order 88-06), § 296-17-76212, filed 5/31/88, effective 7/1/88.]

WAC 296-17-76213 Classification 7122.

7122-00 Temporary staffing services: Laborers and nonmachine operators, N.O.C., for manufacturing and processing operations

This classification applies to employees of a temporary staffing company who are assigned on a temporary basis to a client customer and who are engaged as a laborer or nonmachine operator of manufacturing and processing operations.

Businesses or industries contemplated by this classification include, but are not limited to, cabinet shops, wood products manufacturers, plastic goods manufacturers, fiberglass goods manufacturers, glass manufacturers, foundries, metal goods manufacturers, brick, cement or masonry products manufacturers; lumber remanufacturers, amusement parks, sign painting shops, and laundries, but does not apply to shake or shingle mills.

This classification excludes all employees of a temporary staffing company assigned to work for a client customer at a construction site or in any phase of construction. This classification also excludes employees of a temporary staffing company assigned to work for a client customer performing work as a machine operator or skilled craftsman for manufacturing and processing operations who are to be reported separately in classification 7117.

[Statutory Authority: RCW 51.04.020 and 51.16.035. 03-20-081, § 296-17-76213, filed 9/30/03, effective 1/1/04.]

WAC 296-17-855 Experience modification. The basis of the experience modification shall be a comparison of the actual losses charged to an employer during the experience period with the losses which would be expected for an average employer reporting the same exposures in each classification. The comparison shall contain actuarial refinements designed to mitigate the effects of losses which may be considered catastrophic or of doubtful statistical significance, due consideration being given to the volume of the employer's experience. Except for those employers who qualify for an adjusted experience modification as specified in WAC 296-17-860 or 296-17-865, the experience modification shall be calculated from the formula:

$$\text{MODIFICATION} = \frac{Ap + WAe + (1\text{-}W)\ Ee + B}{E + B}$$

The components Ap, WAe, and (1-W) Ee are values which shall be charged against an employer's experience record. The component, E, shall be the expected value of these charges for an average employer reporting the same exposures in each classification. The meaning and function of each symbol in the formula is specified below.

"Ap" signifies "primary actual losses." For each claim the primary actual loss is defined as that portion of the claim which is considered completely rateable for all employers and which is to enter the experience modification calculation at its full value. For each claim in excess of $15,092 the primary actual loss shall be determined from the formula:

$$\text{PRIMARY LOSS} = \frac{37{,}730}{\text{Total loss} + 22{,}638} \times \text{total loss}$$

Primary actual losses for selected claim values are shown in Table I. For each claim less than $15,092 the full value of the claim shall be considered a primary loss.

"Ae" signifies "excess actual losses." For each claim the excess actual loss is defined as that portion of the claim which is not considered completely rateable for all employers. The excess actual loss for each claim shall be determined by subtracting the primary loss from the total loss.

"W" signifies "W value." For each employer, the W value determines the portion of the actual excess losses which shall be included in the calculation of his experience modification, due consideration being given to the volume of his experience. This amount is represented by the symbol "WAe" in the experience modification formula. W values are set forth in Table II.

"E" signifies "expected losses." An employer's expected losses shall be determined by multiplying his reported exposure in each classification during the experience period by the classification expected loss rate. Expected loss rates are set forth in Table III.

"Ee" signifies "expected excess losses." Expected losses in each classification shall be multiplied by the classification "D-Ratio" to obtain "expected primary losses." Expected excess losses shall then be calculated by subtracting expected primary losses from expected total losses. Each employer shall have a statistical charge included in the calculation of his experience modification, said charge to be actuarially equivalent to the amount forgiven an average employer because of the exclusion of a portion of his excess actual losses. This charge is represented by "(1-W) Ee" in the experience modification formula. D-Ratios are set forth in Table III.

"B" signifies "B value" or "ballast." In order to limit the effect of a single severe accident on the modification of a small employer, a stabilizing element (B value) shall be added to both actual and expected losses. B values are set forth in Table II.

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-855, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-855, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-855, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-855, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-855, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-855, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-855, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-855, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-855, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-855, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-855, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-855, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-855, filed 5/31/93, effective 7/1/93; 92-24-063, § 296-17-855, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-855, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-855, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-855, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-855, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-855, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-855, filed 11/26/86. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-855, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-855, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-855, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-855, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-855, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-855, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-855, filed 11/30/79, effective 1/1/80; Order 77-27, § 296-17-855, filed 11/30/77, effective 1/1/78; Order 74-40, § 296-17-855, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-855, filed 11/9/73, effective 1/1/74.]

WAC 296-17-870 Evaluation of actual losses. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the

valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) **Valuation date.** The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) **Retroactive adjustments - revision of losses between valuation dates.** No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made, subject to subsection (4)(a) of this section.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) **Average death value.** Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value." The "average death value" shall be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in WAC 296-17-880 (Table II).

(4) **Third-party recovery - effect on experience modification.**

(a) For claims with injury dates prior to July 1, 1994, a potential claim cost recovery from action against a third party, either by the injured worker or by the department, shall not be considered in the evaluation of actual losses until such time as the third-party action has been completed. If a third-party recovery is made after a claim had previously been used in an experience modification calculation, the experience modification shall be retroactively adjusted. The department shall compute a percentage recovery by dividing the current valuation of the claim into the amount recovered or recoverable as of the recovery date, and shall reduce both primary and excess losses previously used in the experience modification calculation by that percentage.

(b) For claims with injury dates on or after July 1, 1994, if the department determines that there is a reasonable potential of recovery from an action against a third party, both primary and excess values of the claim shall be reduced by fifty percent for purposes of experience modification calculation, until such time as the third-party action has been completed. This calculation shall not be retroactively adjusted, regardless of the final outcome of the third-party action. After a third-party recovery is made, the actual percentage recovery shall be applied to future experience modification calculations.

(c) For third-party actions completed before July 1, 1996, the claim shall be credited with the department's net share of the recovery, after deducting attorney fees and costs. For third-party actions completed on or after July 1, 1996, the claim shall be credited with the department's gross share of the recovery, before deducting attorney fees and costs.

(d) Definitions:

(i) As used in this section, "recovery date" means the date the money is received at the department or the date the order confirming the distribution of the recovery becomes final, whichever comes first.

(ii) As used in this section, "recoverable" means any amount due as of the recovery date and/or any amount available to offset case reserved future benefits.

(5) **Second injury claims.** The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) **Occupational disease claims.** When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purpose of experience rating, will be the date the disability was diagnosed and that gave rise to the filing of a claim for benefits. The cost of a claim for occupational disease will be prorated among the state fund employers who contributed to the condition. All exposure associated with nonstate fund employers will be excluded from the pro rata calculation. To determine the percentage of liability that an employer is responsible for, the department will divide the amount of time the employee worked for the employer that exposed the employee to the hazard by the total length of state fund employment attributable to the occupational disease hazard.

State fund employers will be charged their pro rata share of an occupational disease claim when:

- They exposed the worker to the hazard that gave rise to the occupational disease;
- Responsible for at least ten percent of the state fund injurious exposure; and
- The injurious exposure falls within the experience rating period.

(7) **Maximum claim value.** No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in WAC 296-17-880 (Table II).

(8) **Catastrophic losses.** Whenever a single accident results in the deaths or total permanent disability of three or more workers employed by the same employer, costs charged to the employer's experience shall be limited as required by RCW 51.16.130.

(9) **Acts of terrorism.** Whenever any worker insured with the state fund sustains an injury or occupational disease as a result of an incident certified to be an act of terrorism under the U.S. Terrorism Risk Insurance Act of 2002, the

costs of the resulting claim shall be excluded from the experience rating computation of the worker's employer.

(10) **Claims filed by preferred workers.** The costs of subsequent claims filed by certified preferred workers will not be included in experience calculations, as provided in WAC 296-16-010.

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-870, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-870, filed 8/28/98, effective 10/1/98; 96-12-039, § 296-17-870, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 90-13-018, § 296-17-870, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-870, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-870, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 88-16-012 (Order 88-12), § 296-17-870 filed 7/22/88, effective 1/1/89; 81-24-042 (Order 81-30), § 296-17-870, filed 11/30/81, effective 1/1/82. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-870, filed 11/27/78, effective 1/1/79; Order 75-38, § 296-17-870, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-870, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-870, filed 11/9/73, effective 1/1/74.]

WAC 296-17-875 Table I.

Primary Losses for Selected Claim Values

CLAIM VALUE	PRIMARY LOSS
15,092	15,092
16,669	16,000
20,653	18,000
25,536	20,000
31,662	22,000
39,571	24,000
50,178	26,000
65,145	28,000
87,858	30,000
100,000	30,765
150,000	32,782
211,599*	34,084
300,000	35,083
377,300**	35,594

* Average death value
** Maximum claim value

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-875, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-875, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-875, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-875, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-875, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-875, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-875, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-875, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-875, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-875, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-875, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-875, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-875, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-875, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-875, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-875, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-875, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-875, filed 11/26/86. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-875, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-875, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-875, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-875, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-875, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-875, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-875, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-875, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-875, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-875, filed 11/30/77, effective 1/1/78; Order 76-36, § 296-17-875, filed 11/30/76; Order 75-38, § 296-17-875, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-875, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-875, filed 11/9/73, effective 1/1/74.]

WAC 296-17-880 Table II.

"B" and "W" Values

Maximum Claim Value = $377,300
Average Death Value = $211,599

Expected Losses			B	W
8,174 & Under			71,188	0.00
8,175	-	16,471	70,476	0.01
16,472	-	24,892	69,764	0.02
24,893	-	33,440	69,052	0.03
33,441	-	42,119	68,340	0.04
42,120	-	50,932	67,629	0.05
50,933	-	59,882	66,917	0.06
59,883	-	68,973	66,205	0.07
68,974	-	78,208	65,493	0.08
78,209	-	87,592	64,781	0.09
87,593	-	97,128	64,069	0.10
97,129	-	106,820	63,357	0.11
106,821	-	116,672	62,645	0.12
116,673	-	126,689	61,934	0.13
126,690	-	136,875	61,222	0.14
136,876	-	147,235	60,510	0.15
147,236	-	157,774	59,798	0.16
157,775	-	168,497	59,086	0.17
168,498	-	179,408	58,374	0.18
179,409	-	190,513	57,662	0.19
190,514	-	201,819	56,950	0.20
201,820	-	213,330	56,239	0.21
213,331	-	225,053	55,527	0.22
225,054	-	236,994	54,815	0.23
236,995	-	249,159	54,103	0.24
249,160	-	261,556	53,391	0.25
261,557	-	274,192	52,679	0.26
274,193	-	287,073	51,967	0.27
287,074	-	300,207	51,255	0.28
300,208	-	313,604	50,543	0.29
313,605	-	327,270	49,832	0.30
327,271	-	341,215	49,120	0.31
341,216	-	355,447	48,408	0.32
355,448	-	369,977	47,696	0.33
369,978	-	384,813	46,984	0.34
384,814	-	399,967	46,272	0.35
399,968	-	415,449	45,560	0.36
415,450	-	431,271	44,848	0.37
431,272	-	447,444	44,137	0.38
447,445	-	463,981	43,425	0.39
463,982	-	480,895	42,713	0.40

Expected Losses			B	W
480,896	-	498,199	42,001	0.41
498,200	-	515,908	41,289	0.42
515,909	-	534,037	40,577	0.43
534,038	-	552,601	39,865	0.44
552,602	-	571,617	39,153	0.45
571,618	-	591,102	38,442	0.46
591,103	-	611,075	37,730	0.47
611,076	-	631,555	37,018	0.48
631,556	-	652,562	36,306	0.49
652,563	-	674,117	35,594	0.50
674,118	-	696,244	34,882	0.51
696,245	-	718,965	34,170	0.52
718,966	-	742,306	33,458	0.53
742,307	-	766,294	32,746	0.54
766,295	-	790,957	32,035	0.55
790,958	-	816,324	31,323	0.56
816,325	-	842,426	30,611	0.57
842,427	-	869,299	29,899	0.58
869,300	-	896,976	29,187	0.59
896,977	-	925,496	28,475	0.60
925,497	-	954,899	27,763	0.61
954,900	-	985,227	27,051	0.62
985,228	-	1,016,526	26,340	0.63
1,016,527	-	1,048,845	25,628	0.64
1,048,846	-	1,082,236	24,916	0.65
1,082,237	-	1,116,753	24,204	0.66
1,116,754	-	1,152,456	23,492	0.67
1,152,457	-	1,189,409	22,780	0.68
1,189,410	-	1,227,680	22,068	0.69
1,227,681	-	1,267,342	21,356	0.70
1,267,343	-	1,308,474	20,645	0.71
1,308,475	-	1,351,160	19,933	0.72
1,351,161	-	1,395,492	19,221	0.73
1,395,493	-	1,441,570	18,509	0.74
1,441,571	-	1,489,498	17,797	0.75
1,489,499	-	1,539,395	17,085	0.76
1,539,396	-	1,591,384	16,373	0.77
1,591,385	-	1,645,602	15,661	0.78
1,645,603	-	1,702,199	14,949	0.79
1,702,200	-	1,761,336	14,238	0.80
1,761,337	-	1,823,191	13,526	0.81
1,823,192	-	1,887,956	12,814	0.82
1,887,957	-	1,955,847	12,102	0.83
1,955,848	-	2,027,096	11,390	0.84
2,027,097	-	2,101,963	10,678	0.85
2,101,964	-	2,180,733	9,966	0.86
2,180,734	-	2,263,722	9,254	0.87
2,263,723	-	2,351,282	8,543	0.88
2,351,283	-	2,443,804	7,831	0.89
2,443,805	-	2,541,728	7,119	0.90
2,541,729	-	2,645,543	6,407	0.91
2,645,544	-	2,755,802	5,695	0.92
2,755,803	-	2,873,128	4,983	0.93
2,873,129	-	2,998,229	4,271	0.94
2,998,230	-	3,131,908	3,559	0.95
3,131,909	-	3,275,085	2,848	0.96
3,275,086	-	3,428,815	2,136	0.97
3,428,816	-	3,594,315	1,424	0.98
3,594,316	-	3,772,999	712	0.99
3,773,000 & Over			0	1.00

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-880, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-880, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-880, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-880, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-880, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-880, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-880, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-880, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-880, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-880, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-880, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-880, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-880, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-880, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-880, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-880, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-880, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-880, filed 11/26/86. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-880, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-880, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-880, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-880, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-880, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-880, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-880, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-880, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-880, filed 11/30/77, effective 1/1/78; Order 76-36, § 296-17-880, filed 11/30/76; Order 75-38, § 296-17-880, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-880, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-880, filed 11/9/73, effective 1/1/74.]

WAC 296-17-885 Table III.

Expected Loss Rates and D-Ratios for Indicated Fiscal Year Expected Loss Rates in Dollars Per Worker Hour Effective January 1, 2004

Class	2000	2001	2002	D-Ratio
0101	1.2052	1.1820	1.0720	0.444
0103	1.4096	1.3857	1.2638	0.487
0104	0.8539	0.8384	0.7629	0.448
0105	1.2116	1.1933	1.0935	0.521
0107	1.0144	0.9960	0.9067	0.444
0108	0.8539	0.8384	0.7629	0.448
0112	0.6281	0.6174	0.5633	0.478
0201	2.1498	2.1073	1.9097	0.419
0202	2.9972	2.9383	2.6660	0.390
0210	1.0985	1.0759	0.9733	0.397
0212	1.0054	0.9865	0.8961	0.440
0214	1.1143	1.0925	0.9902	0.433
0217	1.0190	1.0006	0.9100	0.467
0219	0.9297	0.9151	0.8388	0.463
0301	0.4954	0.4887	0.4498	0.543
0302	1.6598	1.6247	1.4658	0.415
0303	1.5942	1.5620	1.4128	0.431
0306	0.8911	0.8742	0.7931	0.465
0307	0.7988	0.7851	0.7158	0.491
0308	0.4764	0.4703	0.4339	0.564
0403	1.4527	1.4331	1.3188	0.561
0502	1.3338	1.3069	1.1824	0.434
0504	1.1259	1.1062	1.0086	0.447

0506	1.4685	1.4426	1.3150	0.452	2009	0.3138	0.3105	0.2884	0.599
0507	2.5823	2.5369	2.3128	0.453	2101	0.6327	0.6237	0.5732	0.502
0508	1.8148	1.7754	1.6008	0.386	2102	0.4684	0.4628	0.4277	0.577
0509	1.3736	1.3452	1.2150	0.435	2104	0.2800	0.2774	0.2581	0.616
0510	1.3483	1.3250	1.2080	0.468	2105	0.5410	0.5344	0.4932	0.601
0511	1.4655	1.4391	1.3086	0.481	2106	0.3854	0.3805	0.3509	0.556
0512	1.1134	1.0942	0.9968	0.502	2201	0.2255	0.2225	0.2050	0.543
0513	0.7759	0.7621	0.6936	0.472	2202	0.6250	0.6163	0.5666	0.563
0514	1.4041	1.3807	1.2605	0.497	2203	0.4219	0.4176	0.3875	0.598
0516	1.3483	1.3250	1.2080	0.468	2204	0.2255	0.2225	0.2050	0.543
0517	1.4720	1.4479	1.3246	0.469	2401	0.3947	0.3895	0.3588	0.561
0518	1.4650	1.4373	1.3054	0.436	2903	0.5816	0.5752	0.5325	0.592
0519	1.5395	1.5119	1.3766	0.454	2904	0.6242	0.6156	0.5666	0.511
0521	0.5834	0.5734	0.5235	0.439	2905	0.4872	0.4819	0.4466	0.581
0540	0.0193	0.0189	0.0172	0.457	2906	0.3055	0.3014	0.2775	0.569
0541	0.0104	0.0101	0.0093	0.441	2907	0.4510	0.4457	0.4121	0.575
0550	0.0268	0.0261	0.0235	0.369	2908	0.8905	0.8770	0.8041	0.507
0551	0.0142	0.0139	0.0125	0.398	2909	0.3609	0.3567	0.3297	0.578
0601	0.5223	0.5138	0.4691	0.511	3101	0.8702	0.8547	0.7784	0.443
0602	0.5704	0.5616	0.5135	0.576	3102	0.2528	0.2498	0.2306	0.587
0603	0.8753	0.8578	0.7763	0.437	3103	0.4960	0.4887	0.4490	0.494
0604	0.8246	0.8131	0.7486	0.508	3104	0.5383	0.5296	0.4840	0.486
0606	0.3977	0.3929	0.3630	0.581	3105	0.6680	0.6601	0.6102	0.590
0607	0.3697	0.3646	0.3355	0.551	3303	0.3685	0.3641	0.3360	0.587
0608	0.3092	0.3046	0.2794	0.515	3304	0.4646	0.4595	0.4257	0.587
0701	1.7557	1.7135	1.5343	0.362	3309	0.3725	0.3678	0.3395	0.570
0803	0.4137	0.4082	0.3756	0.571	3402	0.4488	0.4425	0.4068	0.542
0901	1.4195	1.3922	1.2631	0.436	3403	0.1786	0.1760	0.1617	0.521
1002	0.9122	0.8984	0.8239	0.494	3404	0.4559	0.4502	0.4154	0.568
1003	0.7453	0.7339	0.6731	0.497	3405	0.2668	0.2634	0.2425	0.566
1004	0.4327	0.4259	0.3895	0.531	3406	0.1894	0.1873	0.1736	0.590
1005	6.5172	6.3978	5.8169	0.450	3407	0.5683	0.5594	0.5121	0.502
1007	0.3073	0.3023	0.2765	0.500	3408	0.1408	0.1391	0.1282	0.622
1101	0.5726	0.5649	0.5198	0.552	3409	0.1351	0.1339	0.1244	0.670
1102	1.1147	1.0953	0.9975	0.485	3410	0.2251	0.2227	0.2066	0.594
1103	0.9738	0.9583	0.8783	0.441	3411	0.4087	0.4026	0.3690	0.527
1104	0.4624	0.4570	0.4229	0.551	3412	0.4716	0.4638	0.4235	0.485
1105	0.8783	0.8642	0.7914	0.460	3414	0.4728	0.4660	0.4278	0.542
1106	0.3150	0.3114	0.2886	0.549	3415	0.6474	0.6373	0.5841	0.476
1108	0.5324	0.5256	0.4843	0.576	3501	0.8714	0.8587	0.7884	0.509
1109	1.0862	1.0708	0.9849	0.510	3503	0.2801	0.2775	0.2584	0.596
1301	0.5573	0.5493	0.5027	0.628	3506	0.9627	0.9434	0.8533	0.451
1303	0.2022	0.1997	0.1840	0.623	3509	0.3555	0.3521	0.3269	0.638
1304	0.0218	0.0215	0.0197	0.565	3510	0.3261	0.3222	0.2976	0.586
1305	0.3250	0.3207	0.2954	0.555	3511	0.6113	0.6027	0.5546	0.527
1401	0.4534	0.4468	0.4111	0.461	3512	0.2955	0.2923	0.2706	0.599
1404	0.5898	0.5820	0.5364	0.536	3513	0.4397	0.4335	0.3998	0.445
1405	0.4100	0.4051	0.3737	0.599	3602	0.1054	0.1043	0.0968	0.634
1407	0.5898	0.5820	0.5364	0.536	3603	0.4136	0.4082	0.3760	0.545
1501	0.4884	0.4812	0.4411	0.554	3604	0.7571	0.7469	0.6885	0.501
1507	0.4398	0.4334	0.3975	0.548	3605	0.4475	0.4410	0.4047	0.552
1701	0.8107	0.7966	0.7261	0.474	3701	0.2528	0.2498	0.2306	0.587
1702	1.7146	1.6789	1.5177	0.392	3702	0.3797	0.3754	0.3472	0.619
1703	0.7377	0.7212	0.6487	0.391	3708	0.5385	0.5309	0.4874	0.553
1704	0.8107	0.7966	0.7261	0.474	3802	0.1490	0.1475	0.1367	0.625
1801	0.5036	0.4950	0.4525	0.441	3808	0.3860	0.3799	0.3480	0.496
1802	0.5592	0.5507	0.5044	0.528	3901	0.1409	0.1398	0.1305	0.649
2002	0.6364	0.6284	0.5799	0.558	3902	0.4044	0.3998	0.3700	0.577
2004	0.7269	0.7178	0.6620	0.577	3903	1.0119	1.0004	0.9270	0.555
2007	0.3777	0.3725	0.3427	0.533	3905	0.1409	0.1398	0.1305	0.649
2008	0.2843	0.2800	0.2571	0.497	3906	0.4439	0.4384	0.4046	0.551

3909	0.2382	0.2361	0.2194	0.662	5307	0.4069	0.4012	0.3685	0.568
4002	1.1077	1.0895	0.9935	0.539	6103	0.0725	0.0720	0.0672	0.644
4101	0.2450	0.2418	0.2226	0.556	6104	0.3402	0.3362	0.3111	0.570
4103	0.3814	0.3784	0.3533	0.666	6105	0.2542	0.2503	0.2296	0.497
4107	0.1385	0.1368	0.1260	0.555	6107	0.1162	0.1152	0.1076	0.612
4108	0.1284	0.1268	0.1171	0.548	6108	0.3786	0.3748	0.3485	0.598
4109	0.1930	0.1904	0.1756	0.537	6109	0.0805	0.0795	0.0733	0.571
4201	0.5494	0.5400	0.4914	0.539	6110	0.4370	0.4316	0.3985	0.564
4301	0.5949	0.5883	0.5448	0.596	6201	0.3105	0.3055	0.2792	0.490
4302	0.5237	0.5168	0.4761	0.559	6202	0.5687	0.5615	0.5186	0.526
4304	0.7981	0.7873	0.7252	0.524	6203	0.0845	0.0841	0.0789	0.676
4305	1.0228	1.0056	0.9166	0.530	6204	0.1251	0.1237	0.1145	0.572
4401	0.3529	0.3480	0.3206	0.487	6205	0.2187	0.2161	0.1999	0.579
4402	0.6879	0.6797	0.6280	0.589	6206	0.1929	0.1907	0.1761	0.598
4404	0.4465	0.4415	0.4089	0.595	6207	1.0058	0.9956	0.9269	0.529
4501	0.1666	0.1649	0.1528	0.635	6208	0.2101	0.2082	0.1941	0.585
4502	0.0385	0.0381	0.0353	0.575	6209	0.2497	0.2471	0.2291	0.584
4504	0.0971	0.0964	0.0899	0.659	6301	0.1115	0.1095	0.0999	0.457
4601	0.6250	0.6166	0.5680	0.532	6302	0.1461	0.1444	0.1335	0.534
4802	0.2180	0.2153	0.1989	0.563	6303	0.0613	0.0605	0.0559	0.548
4803	0.2196	0.2172	0.2018	0.569	6304	0.2968	0.2940	0.2737	0.606
4804	0.4918	0.4860	0.4488	0.591	6305	0.0885	0.0877	0.0817	0.628
4805	0.2414	0.2388	0.2217	0.584	6306	0.2687	0.2655	0.2456	0.602
4806	0.0477	0.0472	0.0436	0.543	6308	0.0515	0.0508	0.0470	0.591
4808	0.4175	0.4121	0.3800	0.545	6309	0.1561	0.1545	0.1435	0.604
4809	0.3293	0.3256	0.3014	0.582	6402	0.2675	0.2649	0.2459	0.642
4810	0.1280	0.1267	0.1179	0.609	6403	0.1356	0.1343	0.1248	0.612
4811	0.2227	0.2204	0.2047	0.592	6404	0.1726	0.1710	0.1589	0.619
4812	0.3212	0.3174	0.2935	0.591	6405	0.5022	0.4954	0.4558	0.556
4813	0.1450	0.1433	0.1324	0.536	6406	0.0890	0.0882	0.0821	0.624
4900	0.3182	0.3131	0.2866	0.482	6407	0.2379	0.2353	0.2181	0.588
4901	0.0652	0.0642	0.0589	0.496	6408	0.3369	0.3329	0.3073	0.610
4902	0.0848	0.0838	0.0773	0.602	6409	0.7103	0.6987	0.6383	0.498
4903	0.1003	0.0992	0.0913	0.628	6410	0.2316	0.2284	0.2104	0.522
4904	0.0264	0.0262	0.0243	0.604	6501	0.1428	0.1412	0.1307	0.642
4905	0.2908	0.2880	0.2679	0.603	6502	0.0318	0.0315	0.0292	0.601
4906	0.0849	0.0838	0.0774	0.598	6503	0.0650	0.0639	0.0584	0.536
4907	0.0424	0.0419	0.0387	0.535	6504	0.3494	0.3464	0.3228	0.640
4908	0.1185	0.1180	0.1116	0.667	6505	0.0909	0.0901	0.0839	0.598
4909	0.0525	0.0523	0.0494	0.623	6506	0.0863	0.0856	0.0796	0.636
4910	0.3706	0.3658	0.3373	0.543	6509	0.3182	0.3150	0.2924	0.590
5001	4.2001	4.1142	3.7196	0.419	6510	0.4099	0.4028	0.3674	0.443
5002	0.5127	0.5057	0.4648	0.580	6511	0.2729	0.2703	0.2514	0.603
5003	1.5608	1.5294	1.3841	0.422	6601	0.1675	0.1656	0.1534	0.590
5004	0.9201	0.9067	0.8331	0.501	6602	0.3715	0.3671	0.3392	0.561
5005	0.5723	0.5623	0.5121	0.478	6603	0.2961	0.2921	0.2688	0.565
5006	1.5103	1.4800	1.3412	0.385	6604	0.0615	0.0609	0.0564	0.582
5101	0.8145	0.8040	0.7400	0.589	6605	0.2492	0.2475	0.2319	0.629
5103	0.6737	0.6667	0.6184	0.604	6607	0.1639	0.1619	0.1494	0.566
5106	0.6737	0.6667	0.6184	0.604	6608	0.5039	0.4940	0.4474	0.449
5108	0.8213	0.8123	0.7512	0.632	6620	3.9612	3.9202	3.6238	0.698
5109	0.5815	0.5724	0.5241	0.509	6704	0.1428	0.1412	0.1308	0.628
5201	0.3678	0.3630	0.3342	0.575	6705	0.7499	0.7441	0.6953	0.634
5204	0.8257	0.8131	0.7462	0.481	6706	0.3055	0.3022	0.2805	0.563
5206	0.3182	0.3131	0.2866	0.482	6707	2.4200	2.3987	2.2285	0.697
5207	0.1457	0.1444	0.1344	0.636	6708	7.4793	7.3963	6.8851	0.441
5208	0.7688	0.7578	0.6964	0.515	6709	0.2434	0.2414	0.2252	0.629
5209	0.7156	0.7050	0.6469	0.521	6801	0.4657	0.4597	0.4228	0.619
5301	0.0272	0.0269	0.0249	0.628	6802	0.3713	0.3677	0.3417	0.635
5305	0.0510	0.0506	0.0470	0.675	6803	0.7499	0.7350	0.6673	0.366
5306	0.0537	0.0532	0.0492	0.631	6804	0.2324	0.2294	0.2114	0.566

6809	4.5801	4.5282	4.1923	0.574
6901	0.0367	0.0369	0.0359	0.762
6902	0.8586	0.8404	0.7583	0.421
6903	7.0367	6.8845	6.2274	0.305
6904	0.3139	0.3097	0.2839	0.653
6905	0.3423	0.3378	0.3108	0.624
6906	0.1286	0.1295	0.1259	0.718
6907	1.0003	0.9875	0.9093	0.580
6908	0.4396	0.4344	0.4012	0.603
6909	0.1012	0.1000	0.0927	0.596
7100	0.0285	0.0281	0.0259	0.493
7101	0.0229	0.0226	0.0207	0.466
7102	3.6989	3.6759	3.4556	0.599
7103	0.4619	0.4547	0.4158	0.521
7104	0.0251	0.0248	0.0230	0.626
7105	0.0256	0.0254	0.0235	0.655
7106	0.1670	0.1653	0.1532	0.630
7107	0.2143	0.2122	0.1975	0.586
7108	0.1800	0.1785	0.1668	0.594
7109	0.1257	0.1245	0.1157	0.639
7110	0.3446	0.3390	0.3099	0.491
7111	0.3477	0.3428	0.3150	0.555
7112	0.5364	0.5297	0.4889	0.563
7113	0.3518	0.3483	0.3238	0.596
7114	0.5500	0.5457	0.5093	0.667
7115	0.4961	0.4913	0.4561	0.619
7116	0.5440	0.5380	0.4981	0.583
7117	1.1569	1.1435	1.0570	0.600
7118	1.0029	0.9925	0.9201	0.612
7119	1.1231	1.1088	1.0219	0.568
7120	5.2244	5.1533	4.7450	0.529
7121	4.9659	4.8981	4.5086	0.533
7201	1.0899	1.0731	0.9815	0.541
7202	0.0342	0.0337	0.0308	0.532
7203	0.1126	0.1117	0.1044	0.596
7204	0.0000	0.0000	0.0000	1.000
7301	0.4249	0.4192	0.3864	0.512
7302	0.7810	0.7701	0.7089	0.502
7307	0.4762	0.4708	0.4359	0.565
7308	0.2467	0.2450	0.2297	0.642
7309	0.2434	0.2414	0.2252	0.629

Expected Loss Rates in Dollars Per Sq. Ft. of Wallboard Installed

Class	2000	2001	2002	D-Ratio
0524	0.0183	0.0179	0.0163	0.463
0526	0.0098	0.0096	0.0086	0.439
0527	0.0010	0.0009	0.0009	0.393
0528	0.0025	0.0024	0.0022	0.468
0529	0.0014	0.0013	0.0012	0.428
0530	0.0264	0.0258	0.0232	0.369
0531	0.0139	0.0136	0.0122	0.391
0532	0.0011	0.0011	0.0010	0.414
0533	0.0032	0.0031	0.0028	0.426
0534	0.0022	0.0022	0.0019	0.385

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-885, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-885, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-885, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-885, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-885, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-885, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-885, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-885, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-885, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.16.035. 96-12-039, § 296-17-885, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-885, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-885, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-885, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-885, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-885, filed 11/27/91, effective 1/1/92; 91-12-014, § 296-17-885, filed 5/31/91, effective 7/1/91; 90-24-042, § 296-17-885, filed 11/30/90, effective 1/1/91; 90-13-018, § 296-17-885, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-885, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.04.020(1). 89-16-001 (Order 89-07), § 296-17-885, filed 7/20/89, effective 8/20/89. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-885, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 88-12-065 (Order 88-05), § 296-17-885, filed 5/31/88; 88-12-050 (Order 88-06), § 296-17-885, filed 5/31/88, effective 7/1/88; 88-06-047 (Order 87-33), § 296-17-885, filed 3/1/88; 87-24-060 (Order 87-26), § 296-17-885, filed 12/1/87, effective 1/1/88; 87-12-032 (Order 87-12), § 296-17-885, filed 5/29/87, effective 7/1/87. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-885, filed 11/26/86. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-885, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-885, filed 11/27/85, effective 1/1/86; 85-06-026 (Order 85-7), § 296-17-885, filed 2/28/85, effective 4/1/85; 84-24-016 (Order 84-23), § 296-17-885, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-885, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-885, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-885, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-885, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-885, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-885, filed 11/27/78, effective 1/1/79, effective 1/1/80. Order 77-27, § 296-17-885, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-885, filed 12/1/77; Order 77-10, § 296-17-885, filed 5/31/77; Order 76-36, § 296-17-885, filed 11/30/76; Order 76-18, § 296-17-885, filed 5/28/76, effective 7/1/76; Order 75-38, § 296-17-885, filed 11/24/75, effective 1/1/76; Order 74-40, § 296-17-885, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-885, filed 11/9/73, effective 1/1/74.]

WAC 296-17-890 Table IV.

Maximum experience modifications for firms with no compensable accidents: Effective 1/1/2004

Expected Loss Range			Maximum Experience Modification
3,571 & Lower			0.90
3,572	-	3,821	0.89
3,822	-	4,091	0.88
4,092	-	4,383	0.87
4,384	-	4,700	0.86
4,701	-	5,045	0.85
5,046	-	5,419	0.84
5,420	-	5,826	0.83
5,827	-	6,269	0.82
6,270	-	6,752	0.81
6,753	-	7,279	0.80
7,280	-	7,854	0.79
7,855	-	8,483	0.78
8,484	-	9,172	0.77
9,173	-	9,926	0.76
9,927	-	10,754	0.75
10,755	-	11,664	0.74

Expected Loss Range			Maximum Experience Modification
11,665	-	12,665	0.73
12,666	-	13,768	0.72
13,769	-	14,984	0.71
14,985	-	16,327	0.70
16,328	-	17,813	0.69
17,814	-	19,459	0.68
19,460	-	21,285	0.67
21,286	-	23,314	0.66
23,315	-	25,573	0.65
25,574	-	28,091	0.64
28,092	-	30,902	0.63
30,903	-	34,048	0.62
34,049	-	37,573	0.61
37,574 & Higher			0.60

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-890, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-890, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-890, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-890, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-890, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-890, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-890, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-890, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-890, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-890, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-890, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-890, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-890, filed 11/27/91, effective 1/1/92; 90-24-042, § 296-17-890, filed 11/30/90, effective 1/1/91; 89-24-051 (Order 89-22), § 296-17-890, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-890, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 87-24-060 (Order 87-26), § 296-17-890, filed 12/1/87, effective 1/1/88. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-890, filed 11/26/86. Statutory Authority: RCW 51.16.035. 85-24-032 (Order 85-33), § 296-17-890, filed 11/27/85, effective 1/1/86; 84-24-016 (Order 84-23), § 296-17-890, filed 11/28/84, effective 1/1/85; 83-24-017 (Order 83-36), § 296-17-890, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-890, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-890, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-890, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-890, filed 11/30/79, effective 1/1/80.]

WAC 296-17-895 Industrial insurance accident fund base rates and medical aid base rates by class of industry. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

	Base Rates Effective January 1, 2004	
Class	Accident Fund	Medical Aid Fund
0101	1.5814	0.7743
0103	1.7560	1.0231
0104	1.0798	0.5941
0105	1.4448	0.9613
0107	1.2655	0.7206
0108	1.0798	0.5941
0112	0.7788	0.4591
0201	2.7967	1.3868
0202	3.8070	2.0165
0210	1.4498	0.6811
0212	1.2948	0.6731
0214	1.4592	0.7138
0217	1.3036	0.6971
0219	1.0750	0.7601
0301	0.5567	0.4307
0302	2.2802	0.9416
0303	2.1458	0.9612
0306	1.1713	0.5736
0307	0.9965	0.5767
0308	0.5270	0.4263
0403	1.6656	1.2385
0502	1.7909	0.8089
0504	1.3821	0.8266
0506	5.5423	3.0267
0507	3.1811	1.8865
0508	2.4737	1.0339
0509	1.8702	0.8009
0510	1.6703	0.9807
0511	1.8921	0.9897
0512	1.4169	0.7795
0513	0.9884	0.5366
0514	1.7316	1.0394
0516	1.6703	0.9807
0517	1.6780	1.0950
0518	1.8366	0.9328
0519	1.9295	1.0901
0521	0.6989	0.4450
0601	0.6461	0.3862
0602	0.7255	0.4146
0603	1.1661	0.5393
0604	0.9048	0.7316
0606	0.4319	0.3655
0607	0.4193	0.3175
0608	0.3621	0.2512
0701	2.5501	0.8175
0803	0.4758	0.3517
0901	1.8366	0.9328
1002	1.0578	0.7479
1003	0.8656	0.6100
1004	0.5325	0.3268
1005	8.3826	4.4172
1007	0.3697	0.2374
1101	0.6527	0.4899
1102	1.4175	0.7790
1103	1.1092	0.8062
1104	0.4796	0.4454
1105	1.0193	0.7100
1106	0.3168	0.3134
1108	0.6003	0.4657
1109	1.2172	0.9398
1301	0.7260	0.3982
1303	0.2359	0.1719
1304	0.0242	0.0194
1305	0.3640	0.2850
1401	0.4888	0.4061
1404	0.6507	0.5258
1405	0.4630	0.3620

Class	Base Rates Effective January 1, 2004 Accident Fund	Medical Aid Fund
1407	0.6507	0.5258
1501	0.5898	0.3839
1507	0.5258	0.3512
1701	1.0139	0.5815
1702	2.2784	1.0454
1703	1.0410	0.3854
1704	1.0139	0.5815
1801	0.5893	0.3974
1802	0.6768	0.4355
2002	0.6934	0.5787
2004	0.8083	0.6479
2007	0.4262	0.3258
2008	0.3220	0.2403
2009	0.3158	0.3162
2101	0.7157	0.5397
2102	0.5026	0.4361
2104	0.2749	0.2907
2105	0.6066	0.4813
2106	0.4257	0.3452
2201	0.2517	0.1986
2202	0.7279	0.5211
2203	0.4299	0.4196
2204	0.2517	0.1986
2401	0.4450	0.3439
2903	0.6146	0.5552
2904	0.6859	0.5526
2905	0.5029	0.4761
2906	0.3469	0.2639
2907	0.4824	0.4221
2908	1.0443	0.7208
2909	0.3880	0.3364
3101	1.0798	0.6249
3102	0.2780	0.2292
3103	0.5594	0.4228
3104	0.6477	0.4140
3105	0.7218	0.6194
3303	0.4072	0.3326
3304	0.4851	0.4488
3309	0.4086	0.3370
3402	0.5131	0.3800
3403	0.2011	0.1529
3404	0.5017	0.4108
3405	0.3030	0.2306
3406	0.1946	0.1855
3407	0.6760	0.4481
3408	0.1647	0.1198
3409	0.1400	0.1350
3410	0.2301	0.2230
3411	0.4844	0.3267
3412	0.5755	0.3539
3414	0.5520	0.3888
3415	0.7473	0.5298
3501	1.0049	0.7260
3503	0.2692	0.2962
3506	1.3008	0.5776
3509	0.3666	0.3533
3510	0.3547	0.2989
3511	0.6851	0.5304
3512	0.3102	0.2838
3513	0.4529	0.4138
3602	0.1106	0.1023
3603	0.4591	0.3661
3604	0.8039	0.6965
3605	0.5317	0.3611
3701	0.2780	0.2292
3702	0.4132	0.3523
3708	0.6358	0.4386
3802	0.1591	0.1422
3808	0.4550	0.3078
3901	0.1328	0.1528
3902	0.4252	0.3863
3903	1.0296	0.9966
3905	0.1328	0.1528
3906	0.4828	0.4052
3909	0.2477	0.2366
4002	1.4293	0.7720
4101	0.2771	0.2120
4103	0.3652	0.4111
4107	0.1533	0.1235
4108	0.1366	0.1195
4109	0.2105	0.1737
4201	0.7318	0.3596
4301	0.6271	0.5697
4302	0.5894	0.4574
4304	0.8819	0.7071
4305	1.3133	0.7131
4401	0.3790	0.3197
4402	0.7470	0.6336
4404	0.4702	0.4284
4501	0.1791	0.1584
4502	0.0387	0.0385
4504	0.0931	0.1040
4601	0.6942	0.5520
4802	0.2337	0.2024
4803	0.2168	0.2237
4804	0.5433	0.4452
4805	0.2414	0.2437
4806	0.0483	0.0468
4808	0.4569	0.3766
4809	0.3475	0.3139
4810	0.1253	0.1330
4811	0.2220	0.2256
4812	0.3461	0.2991
4813	0.1526	0.1368
4900	0.3773	0.2508
4901	0.0746	0.0543
4902	0.0957	0.0748
4903	0.1176	0.0846
4904	0.0280	0.0252
4905	0.2850	0.3019
4906	0.0959	0.0747
4907	0.0450	0.0396
4908	0.0830	0.1583
4909	0.0371	0.0696

Class	Base Rates Effective January 1, 2004 Accident Fund	Medical Aid Fund
4910	0.4052	0.3337
5001	5.6626	2.5112
5002	0.6043	0.4230
5003	2.0838	0.9576
5004	1.0382	0.7851
5005	0.7259	0.4013
5006	1.9405	0.9896
5101	0.9430	0.6911
5103	0.6953	0.6625
5106	0.6953	0.6625
5108	0.9034	0.7555
5109	0.6908	0.4594
5201	0.4178	0.3177
5204	0.9292	0.6996
5206	0.3773	0.2508
5207	0.1420	0.1531
5208	0.8731	0.6533
5209	0.8321	0.5874
5301	0.0286	0.0263
5305	0.0520	0.0520
5306	0.0578	0.0507
5307	0.4812	0.3319
6103	0.0673	0.0798
6104	0.3592	0.3227
6105	0.2903	0.2119
6107	0.1032	0.1306
6108	0.3710	0.3912
6109	0.0898	0.0712
6110	0.4754	0.3989
6201	0.3725	0.2394
6202	0.6046	0.5298
6203	0.0708	0.1013
6204	0.1278	0.1223
6205	0.2342	0.2049
6206	0.2116	0.1761
6207	0.9203	1.0906
6208	0.1942	0.2291
6209	0.2548	0.2471
6301	0.1353	0.0832
6302	0.1506	0.1407
6303	0.0651	0.0572
6304	0.2883	0.3111
6305	0.0848	0.0943
6306	0.2906	0.2495
6308	0.0547	0.0484
6309	0.1578	0.1568
6402	0.2798	0.2622
6403	0.1352	0.1383
6404	0.1730	0.1758
6405	0.5698	0.4319
6406	0.0873	0.0926
6407	0.2469	0.2313
6408	0.3740	0.3030
6409	0.8659	0.5358
6410	0.2515	0.2082
6501	0.1576	0.1317
6502	0.0324	0.0317
6503	0.0819	0.0470
6504	0.3363	0.3718
6505	0.0845	0.0987
6506	0.0847	0.0899
6509	0.3189	0.3214
6510	0.5002	0.3039
6511	0.2683	0.2825
6601	0.1744	0.1621
6602	0.3962	0.3475
6603	0.3395	0.2526
6604	0.0628	0.0606
6605	0.2132	0.2917
6607	0.1770	0.1510
6608	0.6719	0.3123
6614	987*	927*
6615	358*	356*
6616	271*	238*
6617	102*	92*
6618	99*	50*
6620	4.5954	3.4827
6704	0.1531	0.1352
6705	0.6840	0.8359
6706	0.2997	0.3124
6707	2.6228	2.3616
6708	6.4860	8.3254
6709	0.2315	0.2619
6801	0.5513	0.3850
6802	0.3743	0.3762
6803	0.9264	0.5238
6804	0.2581	0.2058
6809	4.7942	4.4011
6901	0.0000	0.0691
6902	1.1874	0.4826
6903	8.8112	4.6583
6904	0.4889	0.2997
6905	0.4082	0.2813
6906	0.0000	0.2414
6907	1.1483	0.8577
6908	0.4866	0.3980
6909	0.1067	0.0968
7100	0.0303	0.0261
7101	0.0248	0.0203
7102	2.9027	4.5880
7103	0.5655	0.3505
7104	0.0272	0.0236
7105	0.0264	0.0254
7106	0.1772	0.1606
7107	0.2057	0.2255
7108	0.1596	0.2033
7109	0.1293	0.1253
7110	0.4185	0.2625
7111	0.4096	0.2851
7112	0.5838	0.4891
7113	0.3442	0.3640
7114	0.5276	0.5917
7115	0.5057	0.4960
7116	0.5758	0.5188

Class	Base Rates Effective January 1, 2004 Accident Fund	Medical Aid Fund
7117	1.2566	1.0693
7118	1.0394	0.9808
7119	1.2604	0.9886
7120	5.7871	4.6097
7121	5.5522	4.3375
7201	1.3512	0.8174
7202	0.0414	0.0264
7203	0.0997	0.1276
7204	0.0000	0.0000
7301	0.4601	0.3847
7302	0.8603	0.6898
7307	0.4975	0.4589
7308	0.2130	0.2885
7309	0.2315	0.2619

* These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-895, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-895, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-895, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-895, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.16.035, 51.04.020. 00-14-052, § 296-17-895, filed 7/1/00, effective 7/1/00. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-895, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-895, filed 12/1/98, effective 1/1/99. Statutory Authority: RCW 51.16.035. 98-18-042, § 296-17-895, filed 8/28/98, effective 10/1/98. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 97-24-062, § 296-17-895, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-895, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.16.035. 96-12-039, § 296-17-895, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 51.16.035 and 51.32.073. 96-06-025, § 296-17-895, filed 2/28/96, effective 4/1/96. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-895, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-895, filed 11/28/94, effective 1/1/95. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 94-12-051, § 296-17-895, filed 5/27/94, effective 7/1/94. Statutory Authority: RCW 51.04.020. 93-24-114, § 296-17-895, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 93-12-093, § 296-17-895, filed 5/31/93, effective 7/1/93; 92-24-063, § 296-17-895, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-895, filed 11/27/91, effective 1/1/92; 91-12-014, § 296-17-895, filed 5/31/91, effective 7/1/91; 90-24-042, § 296-17-895, filed 11/30/90, effective 1/1/91; 90-13-018, § 296-17-895, filed 6/8/90, effective 7/9/90; 89-24-051 (Order 89-22), § 296-17-895, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.04.020(1). 89-16-001 (Order 89-07), § 296-17-895, filed 7/20/89, effective 8/20/89. Statutory Authority: RCW 51.16.035 and 51.04.020. 88-24-012 (Order 88-30), § 296-17-895, filed 12/1/88, effective 1/1/89. Statutory Authority: RCW 51.16.035. 88-12-065 (Order 88-05), § 296-17-895, filed 5/31/88; 88-12-050 (Order 88-06), § 296-17-895, filed 5/31/88, effective 7/1/88; 88-06-047 (Order 87-33), § 296-17-895, filed 3/1/88; 87-24-060 (Order 87-26), § 296-17-895, filed 12/1/87, effective 1/1/88; 87-12-032 (Order 87-12), § 296-17-895, filed 5/29/87, effective 7/1/87. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 86-24-042 (Order 86-41), § 296-17-895, filed 11/26/86. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-895, filed 5/30/86, effective 7/1/86; 85-24-032 (Order 85-33), § 296-17-895, filed 11/27/85, effective 1/1/86; 85-13-046 (Order 85-13), § 296-17-895, filed 6/17/85; 85-06-026 (Order 85-7), § 296-17-895, filed 2/28/85, effective 4/1/85; 84-24-016 (Order 84-23), § 296-17-895, filed 11/28/84, effective 1/1/85. Statutory Authority: RCW 51.04.020(1). 84-12-048 (Order 84-12), § 296-17-895, filed 6/1/84. Statutory Authority: RCW 51.16.035. 83-24-017 (Order 83-36), § 296-17-895, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-895, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-895, filed 11/30/81, effective 1/1/82; 81-04-024 (Order 81-02), § 296-17-895, filed 1/30/81; 80-17-016 (Order 80-23), § 296-17-895, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-895, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-895, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-895, filed 11/30/77, effective 1/1/78; Emergency Order 77-25, § 296-17-895, filed 12/1/77; Order 77-10, § 296-17-895, filed 5/31/77; Order 76-36, § 296-17-895, filed 11/30/76; Order 76-18, § 296-17-895, filed 5/28/76, effective 7/1/76; Order 75-38, § 296-17-895, filed 11/24/75, effective 1/1/76; Order 75-28, § 296-17-895, filed 8/29/75, effective 10/1/75; Order 74-40, § 296-17-895, filed 11/27/74, effective 1/1/75; Order 73-22, § 296-17-895, filed 11/9/73, effective 1/1/74.]

WAC 296-17-89502 Industrial insurance accident fund, medical aid and supplemental pension rates by class of industry for nonhourly rated classifications. The base rates as set forth below are for classifications whose premium rates are based on units other than hours worked.

Class	Base Rates Effective January 1, 2004 Accident Fund	Medical Aid Fund	Supplemental Pension Fund
0540	0.0256	0.0122	0.0006
0541	0.0138	0.0065	0.0006
0550	0.0373	0.0143	0.0006
0551	0.0197	0.0079	0.0006

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-89502, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-89502, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010; 01-23-061, § 296-17-89502, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-89502, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-89502, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-89502, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-89502, filed 12/1/97, effective 1/1/98; 97-12-011, § 296-17-89502, filed 5/27/97, effective 7/1/97; 97-06-007, § 296-17-89502, filed 2/24/97, effective 4/1/97.]

WAC 296-17-90492 Table I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, AND B
STANDARD PREMIUM SIZE RANGES
Effective January 1, 2004

Size Group Number	Standard Premium Range		
63	$4,580	-	$5,533
62	5,534	-	6,645
61	6,646	-	7,906
60	7,907	-	9,355
59	9,356	-	11,011
58	11,012	-	12,879
57	12,880	-	14,999
56	15,000	-	17,239
55	17,240	-	19,619
54	19,620	-	22,129
53	22,130	-	24,769
52	24,770	-	27,539
51	27,540	-	30,439
50	30,440	-	33,499
49	33,500	-	36,679
48	36,680	-	39,919
47	39,920	-	43,169
46	43,170	-	46,729
45	46,730	-	50,699

Size Group Number	Standard Premium Range		
44	50,700	-	55,119
43	55,120	-	60,009
42	60,010	-	65,479
41	65,480	-	71,619
40	71,620	-	78,459
39	78,460	-	86,189
38	86,190	-	94,949
37	94,950	-	104,799
36	104,800	-	115,299
35	115,300	-	126,799
34	126,800	-	139,499
33	139,500	-	153,399
32	153,400	-	168,799
31	168,800	-	184,799
30	184,800	-	202,499
29	202,500	-	222,599
28	222,600	-	245,399
27	245,400	-	271,699
26	271,700	-	301,999
25	302,000	-	336,799
24	336,800	-	377,599
23	377,600	-	425,599
22	425,600	-	481,799
21	481,800	-	548,999
20	549,000	-	630,099
19	630,100	-	727,299
18	727,300	-	847,099
17	847,100	-	996,499
16	996,500	-	1,210,999
15	1,211,000	-	1,508,999
14	1,509,000	-	1,927,999
13	1,928,000	-	2,462,999
12	2,463,000	-	3,145,999
11	3,146,000	-	4,169,999
10	4,170,000	-	5,776,999
9	5,777,000	-	8,326,999
8	8,327,000	-	12,059,999
7	12,060,000	-	17,759,999
6	17,760,000	-	27,619,999
5	27,620,000	-	43,599,999
4	43,600,000		& Over

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90492, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90492, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90492, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90492, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90492, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90493 Table II.

RETROSPECTIVE RATING PLAN A
BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = .729
Effective January 1, 2004

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.907	.856	.820	.791	.766	.745	.725	.708	.692	.677	.649	.625	.602	.563
62	.902	.850	.813	.783	.757	.735	.715	.698	.681	.666	.638	.612	.590	.550
61	.897	.844	.805	.774	.748	.726	.705	.687	.670	.654	.625	.600	.577	.536
60	.892	.838	.798	.766	.739	.716	.695	.676	.658	.642	.613	.587	.563	.522
59	.888	.831	.790	.758	.730	.706	.684	.665	.647	.630	.600	.574	.550	.508
58	.883	.825	.783	.749	.720	.696	.674	.654	.635	.618	.588	.561	.537	.495
57	.878	.818	.775	.740	.711	.686	.663	.643	.624	.607	.576	.548	.524	.482
56	.872	.810	.766	.731	.701	.675	.652	.631	.612	.594	.563	.535	.511	.468
55	.865	.802	.757	.721	.690	.664	.640	.619	.599	.582	.550	.522	.497	.455
54	.858	.794	.747	.710	.679	.652	.628	.607	.587	.569	.537	.509	.484	.442
53	.851	.785	.738	.700	.668	.641	.616	.595	.575	.556	.524	.496	.471	.429
52	.843	.776	.728	.690	.657	.629	.605	.582	.562	.544	.511	.483	.458	.417
51	.836	.767	.718	.679	.646	.618	.592	.570	.550	.531	.498	.470	.446	.405
50	.828	.758	.708	.668	.634	.605	.580	.557	.537	.518	.485	.457	.432	.392
49	.821	.748	.697	.656	.622	.593	.567	.544	.524	.505	.472	.444	.419	.379
48	.813	.739	.686	.645	.610	.581	.555	.531	.511	.492	.459	.431	.406	.367
47	.804	.729	.675	.633	.598	.568	.542	.519	.498	.479	.446	.418	.394	.355
46	.796	.718	.663	.620	.584	.554	.528	.505	.484	.465	.433	.406	.382	.344
45	.787	.707	.650	.607	.571	.541	.514	.491	.471	.452	.420	.394	.371	.334
44	.778	.695	.638	.594	.557	.527	.501	.478	.458	.440	.408	.382	.360	.324
43	.768	.683	.625	.580	.544	.514	.488	.465	.445	.427	.396	.371	.349	.314
42	.758	.671	.612	.567	.530	.500	.474	.451	.431	.413	.383	.357	.336	.301
41	.748	.659	.599	.554	.517	.486	.460	.437	.417	.399	.368	.343	.322	.288
40	.737	.647	.586	.540	.503	.472	.446	.423	.403	.385	.355	.330	.309	.276
39	.726	.635	.573	.526	.489	.458	.432	.409	.389	.372	.342	.317	.296	.264
38	.714	.622	.560	.513	.476	.445	.418	.396	.376	.359	.329	.305	.284	.252
37	.702	.608	.546	.499	.462	.431	.405	.383	.363	.346	.317	.293	.273	.242
36	.688	.594	.532	.485	.448	.417	.392	.369	.350	.333	.304	.281	.262	.231

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
35	.673	.578	.516	.469	.433	.402	.377	.355	.336	.320	.292	.269	.250	.221
34	.657	.562	.500	.454	.418	.388	.363	.342	.323	.307	.280	.258	.240	.211
33	.640	.546	.484	.439	.403	.374	.349	.329	.310	.295	.268	.247	.229	.202
32	.623	.529	.468	.424	.389	.360	.336	.316	.298	.283	.257	.237	.220	.193
31	.607	.512	.452	.408	.373	.345	.322	.302	.285	.270	.246	.226	.210	.185
30	.589	.495	.435	.392	.358	.331	.308	.289	.273	.259	.235	.216	.201	.178
29	.571	.478	.419	.377	.344	.317	.295	.277	.261	.247	.225	.207	.193	.171
28	.553	.461	.403	.361	.329	.303	.282	.264	.248	.235	.213	.195	.181	.160
27	.537	.446	.388	.346	.314	.288	.267	.248	.233	.219	.197	.179	.165	.143
26	.521	.430	.373	.331	.299	.273	.252	.234	.218	.205	.183	.165	.151	.129
25	.504	.414	.358	.317	.285	.259	.238	.220	.205	.192	.170	.152	.138	.117
24	.482	.394	.339	.300	.269	.245	.225	.208	.194	.181	.161	.145	.132	.113
23	.460	.374	.321	.283	.254	.231	.213	.197	.184	.172	.153	.138	.127	.109
22	.437	.355	.304	.268	.241	.219	.201	.187	.174	.163	.146	.132	.121	.105
21	.414	.336	.288	.254	.228	.208	.191	.177	.166	.156	.139	.127	.117	.102
20	.394	.318	.272	.239	.214	.194	.179	.166	.155	.145	.130	.119	.110	.096
19	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
18	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
17	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
16	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
15	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
14	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
13	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
12	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
11	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
10	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
9	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
8	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
7	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
6	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
5	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
4	.096	.089	.084	.081	.078	.076	.074	.072	.070	.068	.066	.065	.064	.063

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90493, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90493, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90493, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90493, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90493, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90494 Table III.

RETROSPECTIVE RATING PLAN A1
MINIMUM PREMIUM RATIOS
BASIC PREMIUM RATIO = .058
LOSS CONVERSION FACTOR = .729
Effective January 1, 2004

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
63	.987	.975	.963	.951	.940	.928	.918	.907	.897	.887	.868	.850	.833	.801
62	.987	.974	.961	.949	.938	.926	.915	.904	.894	.884	.864	.845	.828	.795
61	.986	.973	.960	.948	.936	.924	.912	.901	.890	.880	.860	.841	.823	.789
60	.986	.972	.959	.946	.933	.921	.909	.898	.887	.876	.855	.836	.817	.783
59	.985	.971	.958	.944	.931	.919	.907	.895	.883	.872	.851	.831	.812	.777
58	.985	.970	.956	.943	.929	.917	.904	.892	.880	.869	.847	.826	.807	.771
57	.985	.970	.955	.941	.927	.914	.901	.889	.877	.865	.843	.822	.802	.765
56	.984	.969	.954	.939	.925	.912	.899	.886	.874	.862	.839	.818	.797	.760
55	.984	.968	.953	.938	.924	.910	.896	.884	.871	.859	.836	.814	.793	.756
54	.983	.967	.951	.936	.922	.908	.894	.881	.868	.856	.832	.810	.790	.752
53	.983	.966	.950	.935	.920	.906	.892	.878	.866	.853	.829	.807	.786	.748
52	.982	.965	.949	.933	.918	.904	.890	.876	.863	.850	.826	.804	.783	.744
51	.982	.965	.948	.932	.917	.902	.887	.874	.860	.847	.823	.800	.779	.740
50	.982	.964	.947	.930	.915	.899	.885	.871	.857	.844	.819	.796	.775	.735
49	.981	.963	.946	.929	.913	.897	.882	.868	.854	.841	.816	.792	.770	.731
48	.981	.962	.945	.927	.911	.895	.880	.866	.852	.838	.812	.789	.767	.727
47	.980	.962	.944	.926	.910	.894	.878	.864	.849	.836	.810	.786	.764	.723
46	.980	.961	.943	.925	.909	.893	.877	.863	.848	.835	.809	.785	.763	.723
45	.980	.961	.942	.925	.908	.892	.877	.862	.848	.834	.808	.784	.762	.722
44	.980	.960	.942	.924	.907	.891	.876	.861	.847	.833	.808	.784	.762	.722
43	.980	.960	.941	.924	.907	.891	.875	.861	.846	.833	.807	.784	.762	.722
42	.979	.959	.940	.922	.905	.888	.872	.857	.843	.829	.803	.779	.757	.717
41	.978	.958	.938	.920	.902	.885	.869	.853	.839	.825	.798	.774	.751	.710

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
40	.978	.957	.937	.918	.899	.882	.866	.850	.835	.820	.793	.768	.745	.704
39	.977	.956	.935	.916	.897	.879	.863	.846	.831	.816	.789	.764	.741	.699
38	.977	.955	.934	.914	.895	.877	.860	.843	.828	.813	.785	.760	.736	.694
37	.976	.954	.933	.912	.893	.875	.857	.841	.825	.810	.782	.756	.732	.690
36	.976	.953	.932	.911	.891	.873	.855	.838	.822	.807	.779	.753	.729	.686
35	.976	.953	.931	.910	.890	.871	.854	.837	.821	.805	.777	.751	.727	.684
34	.975	.952	.930	.909	.889	.870	.852	.835	.819	.804	.775	.749	.725	.683
33	.975	.951	.929	.908	.888	.869	.851	.834	.818	.802	.774	.748	.724	.682
32	.975	.951	.929	.907	.887	.868	.850	.833	.817	.802	.773	.747	.724	.682
31	.975	.951	.928	.907	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
30	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
29	.974	.950	.927	.906	.886	.867	.849	.832	.816	.801	.773	.747	.724	.682
28	.974	.949	.926	.904	.883	.864	.846	.828	.812	.797	.769	.744	.721	.682
27	.973	.947	.922	.899	.877	.857	.837	.819	.802	.785	.754	.727	.701	.657
26	.972	.945	.919	.895	.872	.851	.830	.811	.792	.775	.742	.712	.685	.636
25	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
24	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
23	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
22	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
21	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
20	.971	.943	.917	.892	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
19	.970	.941	.915	.891	.868	.846	.824	.804	.785	.766	.732	.701	.672	.620
18	.969	.940	.912	.887	.864	.843	.823	.804	.785	.766	.732	.701	.672	.620
17	.968	.938	.911	.885	.862	.840	.820	.801	.784	.766	.732	.701	.672	.620
16	.968	.937	.910	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
15	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
14	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
13	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
12	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
11	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
10	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
9	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
8	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
7	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
6	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
5	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620
4	.967	.937	.909	.884	.860	.838	.818	.800	.783	.766	.732	.701	.672	.620

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90494, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90494, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90494, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90494, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90494, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90495 Table IV.

RETROSPECTIVE RATING PLAN A2
MINIMUM PREMIUM RATIOS
AND BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = .729
Effective January 1, 2004

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
63	Basic Premium Ratio	.483	.457	.439	.425	.412	.402	.392	.383	.375	.368	.354	.342	.330	.311
	Minimum Premium Ratio	.979	.960	.943	.927	.912	.898	.884	.871	.859	.846	.823	.802	.782	.745
62	Basic Premium Ratio	.480	.454	.436	.421	.408	.397	.387	.378	.370	.362	.348	.335	.324	.304
	Minimum Premium Ratio	.978	.959	.941	.925	.909	.894	.880	.867	.854	.841	.818	.796	.775	.738
61	Basic Premium Ratio	.478	.451	.432	.416	.403	.392	.382	.373	.364	.356	.342	.329	.318	.297
	Minimum Premium Ratio	.977	.957	.939	.922	.906	.891	.876	.862	.849	.836	.811	.789	.768	.730
60	Basic Premium Ratio	.475	.448	.428	.412	.399	.387	.377	.367	.358	.350	.336	.323	.311	.290
	Minimum Premium Ratio	.976	.955	.936	.919	.902	.886	.871	.857	.843	.830	.805	.781	.760	.721
59	Basic Premium Ratio	.473	.445	.424	.408	.394	.382	.371	.362	.353	.344	.329	.316	.304	.283
	Minimum Premium Ratio	.975	.954	.934	.916	.898	.882	.867	.852	.837	.824	.798	.774	.752	.713
58	Basic Premium Ratio	.471	.442	.421	.404	.389	.377	.366	.356	.347	.338	.323	.310	.298	.277
	Minimum Premium Ratio	.974	.952	.931	.912	.895	.878	.862	.847	.832	.818	.792	.767	.745	.704

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
57	Basic Premium Ratio	.468	.438	.417	.399	.385	.372	.361	.351	.341	.333	.317	.303	.291	.270
	Minimum Premium Ratio	.973	.950	.929	.909	.891	.874	.857	.842	.827	.813	.786	.761	.738	.697
56	Basic Premium Ratio	.465	.434	.412	.395	.380	.367	.355	.345	.335	.326	.311	.297	.285	.263
	Minimum Premium Ratio	.972	.948	.926	.906	.887	.870	.853	.837	.822	.807	.780	.755	.731	.690
55	Basic Premium Ratio	.462	.430	.408	.390	.374	.361	.349	.339	.329	.320	.304	.290	.278	.257
	Minimum Premium Ratio	.971	.946	.924	.903	.884	.866	.849	.832	.817	.802	.774	.749	.725	.683
54	Basic Premium Ratio	.458	.426	.403	.384	.369	.355	.343	.333	.323	.314	.298	.284	.271	.250
	Minimum Premium Ratio	.970	.945	.922	.900	.880	.862	.844	.827	.812	.797	.768	.743	.719	.677
53	Basic Premium Ratio	.455	.422	.398	.379	.363	.350	.337	.327	.317	.307	.291	.277	.265	.244
	Minimum Premium Ratio	.969	.943	.919	.897	.877	.858	.840	.823	.807	.792	.763	.737	.713	.671
52	Basic Premium Ratio	.451	.417	.393	.374	.358	.344	.332	.320	.310	.301	.285	.271	.258	.238
	Minimum Premium Ratio	.968	.941	.917	.895	.874	.854	.836	.819	.803	.787	.758	.732	.709	.666
51	Basic Premium Ratio	.447	.413	.388	.369	.352	.338	.325	.314	.304	.295	.278	.264	.252	.232
	Minimum Premium Ratio	.967	.939	.914	.891	.870	.851	.832	.815	.798	.782	.753	.727	.703	.660
50	Basic Premium Ratio	.443	.408	.383	.363	.346	.332	.319	.308	.298	.288	.272	.258	.245	.225
	Minimum Premium Ratio	.966	.937	.912	.888	.867	.846	.828	.810	.793	.777	.747	.721	.697	.654
49	Basic Premium Ratio	.440	.403	.378	.357	.340	.326	.313	.301	.291	.282	.265	.251	.239	.219
	Minimum Premium Ratio	.965	.935	.909	.885	.863	.842	.823	.805	.788	.772	.742	.715	.690	.647
48	Basic Premium Ratio	.436	.399	.372	.352	.334	.320	.307	.295	.285	.275	.259	.245	.232	.213
	Minimum Premium Ratio	.964	.933	.907	.882	.860	.839	.819	.801	.783	.767	.737	.710	.685	.641
47	Basic Premium Ratio	.431	.394	.367	.346	.328	.313	.300	.289	.278	.269	.252	.238	.226	.207
	Minimum Premium Ratio	.962	.931	.904	.879	.856	.835	.816	.797	.780	.763	.733	.706	.681	.637
46	Basic Premium Ratio	.427	.388	.361	.339	.321	.306	.293	.282	.271	.262	.246	.232	.220	.201
	Minimum Premium Ratio	.961	.929	.901	.876	.853	.832	.812	.793	.776	.760	.729	.702	.678	.635
45	Basic Premium Ratio	.423	.383	.354	.333	.315	.300	.286	.275	.265	.255	.239	.226	.215	.196
	Minimum Premium Ratio	.960	.927	.899	.873	.850	.829	.809	.790	.773	.757	.727	.700	.675	.633
44	Basic Premium Ratio	.418	.377	.348	.326	.308	.293	.280	.268	.258	.249	.233	.220	.209	.191
	Minimum Premium Ratio	.958	.925	.897	.871	.848	.826	.806	.788	.771	.754	.725	.698	.674	.631
43	Basic Premium Ratio	.413	.371	.342	.319	.301	.286	.273	.262	.252	.243	.227	.215	.204	.186
	Minimum Premium Ratio	.957	.924	.895	.869	.846	.824	.804	.786	.768	.752	.723	.696	.672	.630
42	Basic Premium Ratio	.408	.365	.335	.313	.294	.279	.266	.255	.245	.236	.221	.208	.197	.180
	Minimum Premium Ratio	.956	.921	.892	.865	.842	.820	.799	.781	.763	.747	.716	.690	.666	.623
41	Basic Premium Ratio	.403	.359	.329	.306	.288	.272	.259	.248	.238	.229	.213	.201	.190	.173
	Minimum Premium Ratio	.954	.919	.889	.862	.837	.815	.794	.775	.757	.740	.710	.683	.659	.616
40	Basic Premium Ratio	.398	.353	.322	.299	.281	.265	.252	.241	.231	.222	.207	.194	.184	.167
	Minimum Premium Ratio	.953	.917	.886	.858	.833	.810	.789	.770	.752	.735	.704	.677	.651	.609
39	Basic Premium Ratio	.392	.347	.316	.292	.274	.258	.245	.234	.224	.215	.200	.188	.177	.161
	Minimum Premium Ratio	.951	.914	.883	.855	.829	.806	.785	.765	.747	.730	.699	.671	.646	.603
38	Basic Premium Ratio	.386	.340	.309	.286	.267	.252	.238	.227	.217	.209	.194	.182	.171	.155
	Minimum Premium Ratio	.950	.913	.880	.852	.826	.802	.781	.761	.743	.725	.694	.666	.641	.598
37	Basic Premium Ratio	.380	.333	.302	.279	.260	.245	.232	.221	.211	.202	.188	.176	.166	.150
	Minimum Premium Ratio	.949	.911	.878	.849	.823	.800	.778	.757	.739	.722	.690	.661	.636	.593
36	Basic Premium Ratio	.373	.326	.295	.272	.253	.238	.225	.214	.204	.196	.181	.170	.160	.145
	Minimum Premium Ratio	.948	.909	.876	.847	.821	.797	.775	.755	.736	.718	.687	.658	.634	.590
35	Basic Premium Ratio	.366	.318	.287	.264	.246	.230	.218	.207	.197	.189	.175	.164	.154	.140
	Minimum Premium Ratio	.947	.908	.874	.845	.818	.795	.773	.752	.734	.716	.685	.656	.632	.588
34	Basic Premium Ratio	.358	.310	.279	.256	.238	.223	.211	.200	.191	.183	.169	.158	.149	.135
	Minimum Premium Ratio	.946	.906	.873	.844	.817	.793	.771	.751	.732	.714	.683	.655	.630	.587

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
33	Basic Premium Ratio	.349	.302	.271	.249	.231	.216	.204	.194	.184	.177	.163	.153	.144	.130
	Minimum Premium Ratio	.945	.906	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.630	.588
32	Basic Premium Ratio	.341	.294	.263	.241	.224	.209	.197	.187	.178	.171	.158	.148	.139	.126
	Minimum Premium Ratio	.945	.905	.872	.842	.816	.792	.770	.750	.732	.714	.683	.655	.631	.589
31	Basic Premium Ratio	.333	.285	.255	.233	.216	.202	.190	.180	.172	.164	.152	.142	.134	.122
	Minimum Premium Ratio	.944	.904	.870	.841	.814	.790	.769	.749	.730	.714	.683	.656	.633	.591
30	Basic Premium Ratio	.324	.277	.247	.225	.208	.195	.183	.174	.166	.159	.147	.137	.130	.118
	Minimum Premium Ratio	.943	.902	.869	.840	.814	.790	.769	.748	.730	.713	.683	.658	.634	.595
29	Basic Premium Ratio	.315	.268	.239	.218	.201	.188	.177	.168	.160	.153	.142	.133	.126	.115
	Minimum Premium Ratio	.942	.902	.868	.839	.813	.790	.769	.749	.731	.715	.685	.659	.637	.599
28	Basic Premium Ratio	.306	.260	.231	.210	.194	.181	.170	.161	.153	.147	.136	.127	.120	.109
	Minimum Premium Ratio	.942	.901	.867	.838	.811	.788	.766	.747	.729	.711	.681	.655	.632	.593
27	Basic Premium Ratio	.298	.252	.223	.202	.186	.173	.163	.153	.146	.139	.128	.119	.112	.101
	Minimum Premium Ratio	.940	.898	.864	.833	.806	.781	.758	.738	.718	.700	.668	.640	.614	.571
26	Basic Premium Ratio	.290	.244	.216	.195	.179	.166	.155	.146	.138	.132	.121	.112	.105	.094
	Minimum Premium Ratio	.939	.896	.860	.829	.801	.775	.752	.731	.711	.691	.657	.627	.599	.553
25	Basic Premium Ratio	.281	.236	.208	.188	.172	.159	.148	.139	.132	.125	.114	.105	.098	.088
	Minimum Premium Ratio	.938	.895	.858	.826	.797	.771	.747	.725	.704	.685	.650	.619	.592	.542
24	Basic Premium Ratio	.270	.226	.199	.179	.164	.152	.142	.133	.126	.120	.110	.102	.095	.086
	Minimum Premium Ratio	.938	.894	.858	.827	.798	.773	.749	.729	.708	.689	.655	.625	.600	.551
23	Basic Premium Ratio	.259	.216	.190	.171	.156	.145	.136	.128	.121	.115	.106	.098	.093	.084
	Minimum Premium Ratio	.938	.895	.860	.829	.802	.777	.753	.733	.714	.697	.663	.636	.608	.564
22	Basic Premium Ratio	.248	.207	.181	.163	.150	.139	.130	.123	.116	.111	.102	.095	.090	.082
	Minimum Premium Ratio	.938	.896	.862	.832	.805	.781	.760	.739	.722	.704	.674	.648	.622	.580
21	Basic Premium Ratio	.236	.197	.173	.156	.143	.133	.125	.118	.112	.107	.099	.093	.088	.080
	Minimum Premium Ratio	.940	.899	.865	.836	.811	.787	.766	.747	.730	.714	.685	.659	.636	.599
20	Basic Premium Ratio	.226	.188	.165	.149	.136	.126	.119	.112	.107	.102	.094	.089	.084	.077
	Minimum Premium Ratio	.939	.898	.865	.835	.810	.788	.766	.748	.730	.715	.689	.662	.642	.607
19	Basic Premium Ratio	.218	.180	.156	.140	.128	.119	.111	.105	.100	.096	.089	.084	.080	.074
	Minimum Premium Ratio	.937	.894	.860	.830	.804	.781	.761	.742	.724	.708	.680	.655	.633	.597
18	Basic Premium Ratio	.208	.171	.148	.133	.121	.112	.105	.099	.095	.091	.084	.080	.076	.071
	Minimum Premium Ratio	.935	.892	.857	.826	.800	.777	.756	.737	.718	.703	.677	.651	.631	.594
17	Basic Premium Ratio	.199	.162	.140	.125	.115	.106	.099	.094	.090	.086	.081	.076	.073	.069
	Minimum Premium Ratio	.934	.891	.856	.826	.798	.775	.755	.736	.717	.703	.673	.653	.631	.592
16	Basic Premium Ratio	.189	.154	.133	.119	.109	.101	.095	.090	.086	.082	.077	.073	.071	.067
	Minimum Premium Ratio	.934	.890	.855	.825	.798	.775	.754	.736	.719	.706	.679	.658	.633	.598
15	Basic Premium Ratio	.181	.146	.126	.113	.103	.096	.090	.086	.082	.079	.075	.071	.069	.065
	Minimum Premium Ratio	.933	.889	.855	.826	.801	.778	.759	.739	.724	.710	.682	.663	.641	.613
14	Basic Premium Ratio	.176	.139	.119	.108	.100	.093	.088	.084	.081	.078	.074	.070	.068	.065
	Minimum Premium Ratio	.924	.878	.850	.821	.796	.775	.755	.737	.720	.706	.679	.663	.642	.608
13	Basic Premium Ratio	.170	.131	.113	.103	.096	.090	.085	.082	.079	.076	.072	.070	.067	.064
	Minimum Premium Ratio	.915	.868	.844	.818	.793	.772	.754	.735	.719	.706	.682	.656	.643	.612
12	Basic Premium Ratio	.164	.123	.107	.099	.092	.087	.083	.080	.077	.075	.071	.069	.067	.064
	Minimum Premium Ratio	.904	.860	.839	.812	.791	.770	.751	.732	.718	.702	.680	.655	.637	.606
11	Basic Premium Ratio	.156	.113	.102	.094	.089	.084	.081	.078	.075	.073	.070	.068	.066	.063
	Minimum Premium Ratio	.892	.859	.834	.811	.786	.768	.747	.730	.718	.704	.678	.655	.638	.612
10	Basic Premium Ratio	.148	.104	.097	.090	.086	.082	.078	.076	.074	.072	.069	.067	.065	.063
	Minimum Premium Ratio	.876	.858	.829	.807	.782	.762	.748	.728	.712	.699	.676	.654	.640	.605

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
9	Basic Premium Ratio	.139	.098	.092	.087	.082	.079	.076	.074	.072	.070	.068	.066	.065	.062
	Minimum Premium Ratio	.856	.853	.825	.800	.782	.761	.744	.727	.712	.702	.674	.654	.631	.612
8	Basic Premium Ratio	.106	.093	.087	.083	.079	.076	.074	.072	.070	.069	.067	.065	.064	.062
	Minimum Premium Ratio	.855	.846	.823	.798	.779	.761	.741	.725	.713	.697	.671	.654	.633	.604
7	Basic Premium Ratio	.097	.088	.083	.079	.076	.074	.072	.070	.069	.068	.066	.064	.063	.061
	Minimum Premium Ratio	.855	.840	.818	.797	.777	.756	.738	.725	.707	.691	.668	.655	.636	.613
6	Basic Premium Ratio	.089	.083	.079	.076	.074	.072	.070	.068	.067	.066	.065	.063	.062	.061
	Minimum Premium Ratio	.855	.836	.814	.792	.768	.749	.735	.725	.709	.696	.664	.656	.640	.602
5	Basic Premium Ratio	.082	.078	.075	.073	.071	.069	.068	.067	.066	.065	.063	.062	.062	.061
	Minimum Premium Ratio	.855	.833	.811	.787	.767	.752	.732	.714	.700	.689	.677	.658	.624	.586
4	Basic Premium Ratio	.077	.074	.071	.070	.068	.067	.066	.065	.064	.063	.062	.062	.061	.061
	Minimum Premium Ratio	.855	.830	.811	.782	.767	.752	.729	.714	.700	.689	.677	.658	.624	.586

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90495, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90495, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90495, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90495, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90495, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90496 Table V.

RETROSPECTIVE RATING PLAN A3
MINIMUM PREMIUM RATIOS
AND BASIC PREMIUM RATIOS
LOSS CONVERSION FACTOR = .729
Effective January 1, 2004

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
63	Basic Premium Ratio	.818	.762	.722	.692	.666	.642	.622	.603	.586	.571	.543	.517	.495	.458
	Minimum Premium Ratio	.947	.916	.892	.871	.853	.837	.822	.808	.795	.782	.759	.738	.718	.682
62	Basic Premium Ratio	.814	.760	.719	.687	.659	.636	.616	.596	.578	.562	.534	.509	.486	.448
	Minimum Premium Ratio	.945	.912	.887	.866	.848	.831	.815	.801	.788	.775	.751	.729	.709	.673
61	Basic Premium Ratio	.813	.754	.713	.680	.652	.628	.606	.587	.570	.553	.524	.497	.475	.437
	Minimum Premium Ratio	.942	.909	.883	.861	.842	.825	.809	.794	.780	.767	.743	.721	.700	.663
60	Basic Premium Ratio	.811	.749	.705	.672	.644	.618	.597	.577	.558	.543	.513	.486	.464	.425
	Minimum Premium Ratio	.939	.905	.879	.856	.836	.819	.802	.787	.773	.759	.734	.712	.690	.653
59	Basic Premium Ratio	.805	.744	.699	.664	.634	.608	.586	.567	.549	.532	.501	.475	.452	.413
	Minimum Premium Ratio	.937	.901	.874	.851	.831	.813	.796	.780	.765	.751	.726	.703	.681	.643
58	Basic Premium Ratio	.802	.737	.691	.655	.626	.599	.577	.557	.538	.521	.490	.464	.441	.403
	Minimum Premium Ratio	.934	.898	.870	.846	.825	.807	.789	.773	.758	.744	.718	.694	.672	.633
57	Basic Premium Ratio	.796	.731	.685	.647	.618	.591	.568	.547	.528	.511	.480	.454	.431	.392
	Minimum Premium Ratio	.932	.894	.865	.841	.819	.800	.782	.766	.751	.736	.710	.685	.663	.624
56	Basic Premium Ratio	.794	.725	.678	.640	.609	.581	.558	.537	.518	.501	.470	.443	.421	.382
	Minimum Premium Ratio	.928	.890	.860	.835	.813	.794	.776	.759	.743	.728	.701	.677	.654	.614
55	Basic Premium Ratio	.790	.721	.671	.632	.601	.573	.550	.527	.509	.490	.460	.433	.411	.371
	Minimum Premium Ratio	.925	.885	.855	.830	.807	.787	.768	.752	.735	.721	.693	.668	.645	.606
54	Basic Premium Ratio	.787	.714	.666	.626	.592	.565	.541	.518	.499	.481	.450	.423	.400	.363
	Minimum Premium Ratio	.921	.881	.849	.823	.801	.780	.761	.744	.728	.713	.685	.660	.637	.597
53	Basic Premium Ratio	.784	.709	.659	.617	.585	.555	.532	.509	.489	.472	.440	.414	.391	.353
	Minimum Premium Ratio	.917	.876	.844	.818	.794	.774	.754	.737	.721	.705	.677	.652	.629	.589
52	Basic Premium Ratio	.780	.704	.651	.610	.577	.548	.522	.501	.481	.463	.431	.405	.382	.345
	Minimum Premium Ratio	.913	.871	.839	.812	.788	.767	.748	.729	.713	.697	.669	.644	.621	.581
51	Basic Premium Ratio	.775	.698	.644	.602	.567	.539	.514	.491	.471	.454	.422	.396	.372	.336
	Minimum Premium Ratio	.909	.866	.833	.806	.782	.760	.740	.722	.705	.689	.661	.635	.613	.573

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
50	Basic Premium Ratio	.769	.690	.634	.593	.557	.529	.502	.480	.460	.442	.411	.384	.362	.325
	Minimum Premium Ratio	.905	.861	.828	.799	.775	.752	.733	.714	.697	.681	.652	.627	.604	.564
49	Basic Premium Ratio	.763	.682	.626	.583	.548	.519	.493	.470	.450	.432	.400	.374	.352	.316
	Minimum Premium Ratio	.901	.856	.822	.793	.768	.745	.725	.706	.689	.673	.644	.618	.595	.555
48	Basic Premium Ratio	.756	.674	.617	.574	.538	.509	.482	.460	.439	.422	.390	.365	.342	.307
	Minimum Premium Ratio	.897	.851	.816	.786	.761	.738	.718	.699	.682	.665	.636	.610	.587	.547
47	Basic Premium Ratio	.750	.665	.607	.564	.528	.498	.472	.449	.429	.411	.381	.355	.333	.298
	Minimum Premium Ratio	.892	.846	.810	.780	.754	.731	.710	.692	.674	.658	.628	.602	.579	.539
46	Basic Premium Ratio	.741	.654	.596	.552	.516	.485	.460	.437	.418	.400	.370	.345	.323	.289
	Minimum Premium Ratio	.888	.840	.803	.773	.747	.724	.703	.684	.666	.650	.621	.596	.573	.534
45	Basic Premium Ratio	.731	.643	.585	.540	.503	.473	.448	.426	.406	.389	.360	.335	.315	.282
	Minimum Premium Ratio	.884	.834	.796	.766	.740	.717	.696	.677	.660	.643	.614	.589	.567	.528
44	Basic Premium Ratio	.722	.633	.573	.528	.493	.463	.437	.415	.396	.379	.350	.326	.306	.274
	Minimum Premium Ratio	.879	.828	.790	.759	.732	.709	.689	.670	.653	.637	.608	.583	.561	.523
43	Basic Premium Ratio	.712	.622	.562	.517	.481	.451	.426	.405	.386	.370	.341	.318	.298	.267
	Minimum Premium Ratio	.874	.822	.783	.752	.726	.703	.682	.663	.646	.630	.602	.578	.556	.518
42	Basic Premium Ratio	.703	.612	.551	.506	.470	.440	.415	.394	.375	.358	.330	.307	.288	.257
	Minimum Premium Ratio	.869	.815	.776	.745	.718	.694	.673	.654	.637	.621	.593	.568	.547	.509
41	Basic Premium Ratio	.696	.602	.541	.495	.458	.429	.403	.382	.363	.347	.319	.296	.277	.247
	Minimum Premium Ratio	.863	.809	.769	.737	.710	.686	.665	.645	.628	.612	.583	.559	.537	.499
40	Basic Premium Ratio	.686	.592	.530	.484	.448	.418	.392	.371	.352	.336	.308	.286	.267	.237
	Minimum Premium Ratio	.858	.802	.762	.729	.701	.677	.656	.637	.619	.603	.574	.549	.527	.490
39	Basic Premium Ratio	.677	.581	.520	.473	.437	.407	.382	.360	.342	.325	.298	.275	.257	.228
	Minimum Premium Ratio	.852	.796	.754	.721	.693	.669	.648	.628	.610	.594	.566	.541	.519	.482
38	Basic Premium Ratio	.668	.571	.509	.463	.426	.396	.372	.350	.332	.315	.288	.266	.248	.220
	Minimum Premium Ratio	.846	.789	.747	.714	.686	.661	.639	.620	.602	.586	.557	.533	.510	.473
37	Basic Premium Ratio	.659	.562	.499	.453	.416	.387	.362	.340	.322	.306	.279	.257	.240	.212
	Minimum Premium Ratio	.839	.781	.740	.706	.678	.653	.631	.612	.594	.578	.550	.525	.503	.466
36	Basic Premium Ratio	.649	.551	.488	.442	.405	.376	.351	.330	.312	.297	.270	.249	.231	.204
	Minimum Premium Ratio	.832	.774	.732	.698	.670	.645	.624	.604	.586	.570	.542	.517	.496	.459
35	Basic Premium Ratio	.635	.538	.475	.429	.393	.365	.340	.320	.302	.286	.260	.240	.223	.196
	Minimum Premium Ratio	.825	.766	.724	.690	.662	.637	.616	.596	.579	.563	.535	.510	.489	.453
34	Basic Premium Ratio	.623	.525	.463	.418	.382	.354	.330	.309	.292	.277	.252	.231	.215	.189
	Minimum Premium Ratio	.816	.757	.715	.682	.654	.629	.608	.589	.571	.556	.528	.504	.483	.447
33	Basic Premium Ratio	.610	.513	.451	.406	.371	.343	.320	.300	.283	.268	.244	.224	.208	.183
	Minimum Premium Ratio	.808	.749	.707	.674	.646	.622	.600	.582	.564	.549	.521	.498	.477	.442
32	Basic Premium Ratio	.597	.501	.440	.395	.361	.334	.311	.291	.274	.260	.236	.217	.201	.177
	Minimum Premium Ratio	.799	.740	.699	.666	.638	.614	.593	.575	.558	.543	.515	.492	.472	.438
31	Basic Premium Ratio	.582	.486	.425	.382	.348	.321	.299	.280	.264	.250	.226	.208	.193	.171
	Minimum Premium Ratio	.791	.732	.690	.658	.630	.606	.586	.567	.551	.536	.510	.487	.467	.434
30	Basic Premium Ratio	.567	.471	.412	.369	.336	.309	.288	.269	.254	.240	.218	.201	.187	.165
	Minimum Premium Ratio	.782	.723	.681	.649	.622	.599	.579	.561	.545	.530	.504	.482	.463	.430
29	Basic Premium Ratio	.551	.457	.398	.356	.324	.299	.277	.260	.245	.232	.210	.194	.180	.160
	Minimum Premium Ratio	.773	.714	.673	.642	.615	.592	.572	.555	.539	.524	.499	.477	.459	.427
28	Basic Premium Ratio	.537	.444	.386	.344	.313	.287	.266	.249	.234	.221	.200	.184	.171	.151
	Minimum Premium Ratio	.764	.705	.665	.633	.606	.584	.564	.546	.530	.516	.491	.470	.451	.421
27	Basic Premium Ratio	.524	.431	.373	.332	.300	.275	.254	.236	.221	.208	.187	.170	.157	.136
	Minimum Premium Ratio	.755	.697	.655	.623	.596	.573	.552	.534	.518	.502	.476	.453	.433	.400

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
26	Basic Premium Ratio	.510	.418	.361	.320	.288	.263	.242	.224	.209	.196	.175	.158	.145	.124
	Minimum Premium Ratio	.747	.688	.646	.613	.586	.562	.541	.523	.505	.490	.463	.439	.418	.383
25	Basic Premium Ratio	.497	.405	.348	.307	.276	.251	.230	.213	.198	.185	.164	.147	.134	.114
	Minimum Premium Ratio	.738	.679	.638	.605	.577	.553	.531	.512	.495	.479	.451	.427	.405	.369
24	Basic Premium Ratio	.476	.386	.331	.292	.262	.238	.218	.202	.188	.176	.157	.141	.129	.111
	Minimum Premium Ratio	.727	.669	.628	.596	.569	.546	.525	.506	.490	.474	.447	.423	.402	.367
23	Basic Premium Ratio	.454	.368	.315	.277	.249	.226	.208	.192	.179	.168	.150	.136	.124	.107
	Minimum Premium Ratio	.716	.659	.619	.588	.561	.539	.519	.501	.485	.469	.443	.420	.400	.365
22	Basic Premium Ratio	.434	.351	.300	.264	.237	.216	.198	.184	.172	.161	.144	.131	.120	.104
	Minimum Premium Ratio	.704	.649	.611	.580	.555	.533	.513	.496	.480	.465	.439	.417	.397	.363
21	Basic Premium Ratio	.414	.335	.286	.252	.226	.206	.190	.176	.165	.155	.139	.126	.117	.102
	Minimum Premium Ratio	.693	.640	.603	.573	.548	.527	.508	.491	.476	.461	.436	.414	.395	.361
20	Basic Premium Ratio	.394	.318	.271	.238	.214	.194	.178	.166	.155	.145	.130	.119	.110	.096
	Minimum Premium Ratio	.683	.631	.595	.566	.541	.520	.502	.485	.470	.456	.431	.410	.391	.358
19	Basic Premium Ratio	.377	.301	.254	.222	.198	.179	.164	.152	.142	.133	.120	.109	.101	.089
	Minimum Premium Ratio	.674	.621	.585	.557	.533	.513	.494	.478	.464	.450	.426	.405	.387	.355
18	Basic Premium Ratio	.358	.283	.238	.207	.184	.166	.152	.140	.131	.123	.110	.101	.094	.083
	Minimum Premium Ratio	.664	.612	.575	.547	.524	.505	.488	.472	.458	.445	.421	.401	.383	.352
17	Basic Premium Ratio	.339	.266	.222	.192	.171	.154	.140	.130	.121	.114	.103	.094	.088	.079
	Minimum Premium Ratio	.654	.602	.567	.539	.517	.497	.480	.466	.453	.440	.418	.398	.380	.350
16	Basic Premium Ratio	.320	.249	.208	.179	.159	.143	.131	.121	.113	.106	.096	.088	.083	.075
	Minimum Premium Ratio	.644	.593	.559	.532	.510	.491	.475	.461	.448	.436	.414	.395	.378	.348
15	Basic Premium Ratio	.303	.234	.194	.168	.148	.134	.122	.113	.106	.100	.091	.084	.079	.072
	Minimum Premium Ratio	.635	.586	.552	.526	.504	.486	.470	.457	.445	.433	.412	.393	.376	.346
14	Basic Premium Ratio	.293	.220	.180	.157	.141	.128	.117	.109	.103	.097	.089	.082	.078	.071
	Minimum Premium Ratio	.630	.579	.545	.521	.501	.483	.468	.455	.443	.432	.411	.392	.375	.346
13	Basic Premium Ratio	.281	.204	.167	.148	.133	.122	.112	.105	.099	.094	.086	.081	.076	.070
	Minimum Premium Ratio	.624	.571	.538	.516	.497	.480	.465	.453	.441	.430	.409	.391	.374	.345
12	Basic Premium Ratio	.269	.187	.156	.139	.126	.116	.108	.101	.096	.091	.084	.079	.075	.069
	Minimum Premium Ratio	.618	.562	.533	.512	.493	.477	.463	.451	.440	.429	.408	.390	.374	.345
11	Basic Premium Ratio	.254	.167	.145	.130	.119	.110	.103	.097	.092	.088	.082	.077	.073	.068
	Minimum Premium Ratio	.611	.552	.527	.507	.490	.474	.461	.449	.438	.427	.407	.389	.373	.344
10	Basic Premium Ratio	.238	.150	.135	.122	.113	.105	.098	.093	.089	.085	.079	.075	.072	.067
	Minimum Premium Ratio	.603	.544	.522	.503	.487	.472	.458	.447	.436	.426	.406	.388	.372	.344
9	Basic Premium Ratio	.219	.138	.125	.115	.106	.100	.094	.089	.085	.082	.077	.073	.071	.066
	Minimum Premium Ratio	.593	.538	.517	.500	.483	.469	.456	.445	.434	.424	.405	.387	.372	.343
8	Basic Premium Ratio	.197	.127	.116	.107	.100	.094	.090	.086	.082	.079	.075	.072	.069	.065
	Minimum Premium Ratio	.582	.532	.513	.496	.480	.466	.454	.443	.433	.423	.404	.387	.371	.343
7	Basic Premium Ratio	.170	.117	.108	.100	.094	.089	.085	.082	.079	.077	.073	.070	.068	.064
	Minimum Premium Ratio	.569	.527	.509	.492	.477	.464	.452	.441	.431	.422	.403	.386	.370	.342
6	Basic Premium Ratio	.137	.107	.100	.094	.089	.085	.081	.078	.076	.074	.071	.068	.066	.064
	Minimum Premium Ratio	.552	.522	.505	.489	.475	.462	.450	.439	.430	.420	.402	.385	.369	.342
5	Basic Premium Ratio	.105	.098	.092	.087	.083	.080	.077	.075	.073	.071	.068	.066	.065	.063
	Minimum Premium Ratio	.536	.518	.501	.486	.472	.459	.448	.438	.428	.419	.400	.384	.369	.342
4	Basic Premium Ratio	.104	.089	.085	.081	.078	.075	.073	.072	.070	.068	.066	.065	.064	.062
	Minimum Premium Ratio	.532	.513	.497	.483	.469	.457	.446	.436	.427	.417	.399	.383	.368	.342

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90496, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90496, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90496, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90496, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90496, filed 5/12/00, effective 7/1/00.]

WAC 296-17-90497 Table VI.

RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective January 1, 2004

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
63	Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.938	.931	.917	.903	.889	.861
	Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.062	.069	.083	.097	.111	.139
62	Basic Premium Ratio	.992	.985	.977	.970	.962	.954	.947	.939	.931	.924	.909	.893	.878	.848
	Loss Conversion Factor	.008	.015	.023	.030	.038	.046	.053	.061	.069	.076	.091	.107	.122	.152
61	Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.926	.917	.901	.884	.868	.835
	Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.074	.083	.099	.116	.132	.165
60	Basic Premium Ratio	.991	.982	.973	.964	.955	.946	.937	.928	.919	.910	.892	.874	.856	.819
	Loss Conversion Factor	.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.181
59	Basic Premium Ratio	.990	.980	.971	.961	.951	.941	.931	.921	.912	.902	.882	.862	.843	.803
	Loss Conversion Factor	.010	.020	.029	.039	.049	.059	.069	.079	.088	.098	.118	.138	.157	.197
58	Basic Premium Ratio	.989	.979	.968	.957	.947	.936	.926	.915	.904	.894	.872	.851	.830	.787
	Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.074	.085	.096	.106	.128	.149	.170	.213
57	Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.886	.863	.840	.817	.771
	Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.114	.137	.160	.183	.229
56	Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.914	.902	.890	.878	.853	.829	.805	.756
	Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.086	.098	.110	.122	.147	.171	.195	.244
55	Basic Premium Ratio	.987	.974	.961	.948	.935	.922	.909	.896	.883	.870	.844	.818	.792	.741
	Loss Conversion Factor	.013	.026	.039	.052	.065	.078	.091	.104	.117	.130	.156	.182	.208	.259
54	Basic Premium Ratio	.986	.972	.959	.945	.931	.917	.904	.890	.876	.862	.835	.807	.780	.724
	Loss Conversion Factor	.014	.028	.041	.055	.069	.083	.096	.110	.124	.138	.165	.193	.220	.276
53	Basic Premium Ratio	.985	.971	.956	.941	.927	.912	.898	.883	.868	.854	.824	.795	.766	.707
	Loss Conversion Factor	.015	.029	.044	.059	.073	.088	.102	.117	.132	.146	.176	.205	.234	.293
52	Basic Premium Ratio	.984	.969	.953	.938	.922	.907	.891	.876	.860	.845	.814	.783	.752	.690
	Loss Conversion Factor	.016	.031	.047	.062	.078	.093	.109	.124	.140	.155	.186	.217	.248	.310
51	Basic Premium Ratio	.983	.967	.950	.934	.917	.901	.884	.868	.851	.835	.802	.769	.735	.669
	Loss Conversion Factor	.017	.033	.050	.066	.083	.099	.116	.132	.149	.165	.198	.231	.265	.331
50	Basic Premium Ratio	.982	.965	.947	.929	.911	.894	.876	.858	.841	.823	.787	.752	.717	.646
	Loss Conversion Factor	.018	.035	.053	.071	.089	.106	.124	.142	.159	.177	.213	.248	.283	.354
49	Basic Premium Ratio	.981	.962	.943	.924	.905	.886	.867	.848	.829	.810	.772	.734	.696	.621
	Loss Conversion Factor	.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.379
48	Basic Premium Ratio	.980	.959	.939	.919	.898	.878	.858	.837	.817	.797	.756	.716	.675	.594
	Loss Conversion Factor	.020	.041	.061	.081	.102	.122	.142	.163	.183	.203	.244	.284	.325	.406
47	Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.805	.783	.740	.696	.653	.566
	Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.195	.217	.260	.304	.347	.434
46	Basic Premium Ratio	.977	.954	.931	.908	.885	.862	.839	.816	.793	.770	.724	.677	.631	.539
	Loss Conversion Factor	.023	.046	.069	.092	.115	.138	.161	.184	.207	.230	.276	.323	.369	.461
45	Basic Premium Ratio	.976	.951	.927	.902	.878	.854	.829	.805	.780	.756	.707	.658	.609	.512
	Loss Conversion Factor	.024	.049	.073	.098	.122	.146	.171	.195	.220	.244	.293	.342	.391	.488
44	Basic Premium Ratio	.974	.948	.922	.897	.871	.845	.819	.793	.767	.742	.690	.638	.587	.483
	Loss Conversion Factor	.026	.052	.078	.103	.129	.155	.181	.207	.233	.258	.310	.362	.413	.517
43	Basic Premium Ratio	.973	.945	.918	.891	.863	.836	.809	.781	.754	.727	.672	.617	.562	.453
	Loss Conversion Factor	.027	.055	.082	.109	.137	.164	.191	.219	.246	.273	.328	.383	.438	.547
42	Basic Premium Ratio	.970	.941	.911	.881	.852	.822	.792	.763	.733	.703	.644	.585	.525	.406
	Loss Conversion Factor	.030	.059	.089	.119	.148	.178	.208	.237	.267	.297	.356	.415	.475	.594

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
41	Basic Premium Ratio	.968	.935	.903	.870	.838	.806	.773	.741	.708	.676	.611	.546	.481	.352
	Loss Conversion Factor	.032	.065	.097	.130	.162	.194	.227	.259	.292	.324	.389	.454	.519	.648
40	Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.718	.682	.647	.576	.506	.435	.294
	Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.282	.318	.353	.424	.494	.565	.706
39	Basic Premium Ratio	.962	.923	.885	.847	.808	.770	.732	.693	.655	.616	.540	.463	.386	.233
	Loss Conversion Factor	.038	.077	.115	.153	.192	.230	.268	.307	.345	.384	.460	.537	.614	.767
38	Basic Premium Ratio	.958	.917	.875	.834	.792	.751	.709	.668	.626	.585	.502	.419	.336	.170
	Loss Conversion Factor	.042	.083	.125	.166	.208	.249	.291	.332	.374	.415	.498	.581	.664	.830
37	Basic Premium Ratio	.955	.910	.865	.820	.776	.731	.686	.641	.596	.551	.461	.371	.282	.102
	Loss Conversion Factor	.045	.090	.135	.180	.224	.269	.314	.359	.404	.449	.539	.629	.718	.898
36	Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.514	.417	.320	.223	.029
	Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.486	.583	.680	.777	.971
35	Basic Premium Ratio	.947	.895	.842	.789	.736	.684	.631	.578	.525	.473	.367	.262	.156	.000
	Loss Conversion Factor	.053	.105	.158	.211	.264	.316	.369	.422	.475	.527	.633	.738	.844	.987
34	Basic Premium Ratio	.943	.886	.829	.771	.714	.657	.600	.543	.486	.428	.314	.200	.085	.000
	Loss Conversion Factor	.057	.114	.171	.229	.286	.343	.400	.457	.514	.572	.686	.800	.915	.969
33	Basic Premium Ratio	.938	.876	.814	.752	.690	.628	.567	.505	.443	.381	.257	.133	.009	.000
	Loss Conversion Factor	.062	.124	.186	.248	.310	.372	.433	.495	.557	.619	.743	.867	.991	.953
32	Basic Premium Ratio	.933	.866	.799	.732	.665	.598	.531	.463	.396	.329	.195	.061	.000	.000
	Loss Conversion Factor	.067	.134	.201	.268	.335	.402	.469	.537	.604	.671	.805	.939	.984	.939
31	Basic Premium Ratio	.927	.854	.781	.707	.634	.561	.488	.415	.342	.268	.122	.000	.000	.000
	Loss Conversion Factor	.073	.146	.219	.293	.366	.439	.512	.585	.658	.732	.878	.994	.965	.925
30	Basic Premium Ratio	.920	.840	.760	.680	.600	.520	.440	.360	.280	.200	.040	.000	.000	.000
	Loss Conversion Factor	.080	.160	.240	.320	.400	.480	.560	.640	.720	.800	.960	.975	.949	.913
29	Basic Premium Ratio	.913	.826	.739	.651	.564	.477	.390	.303	.216	.128	.000	.000	.000	.000
	Loss Conversion Factor	.087	.174	.261	.349	.436	.523	.610	.697	.784	.872	.990	.958	.935	.902
28	Basic Premium Ratio	.904	.807	.711	.615	.519	.422	.326	.230	.134	.037	.000	.000	.000	.000
	Loss Conversion Factor	.096	.193	.289	.385	.481	.578	.674	.770	.866	.963	.969	.940	.918	.887
27	Basic Premium Ratio	.892	.785	.677	.570	.462	.355	.247	.140	.032	.000	.000	.000	.000	.000
	Loss Conversion Factor	.108	.215	.323	.430	.538	.645	.753	.860	.968	.983	.946	.918	.897	.868
26	Basic Premium Ratio	.881	.761	.642	.522	.403	.283	.164	.044	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.119	.239	.358	.478	.597	.717	.836	.956	.983	.960	.925	.899	.879	.851
25	Basic Premium Ratio	.868	.736	.604	.472	.340	.208	.075	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.132	.264	.396	.528	.660	.792	.925	.987	.961	.940	.907	.883	.864	.838
24	Basic Premium Ratio	.852	.705	.557	.409	.261	.114	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.148	.295	.443	.591	.739	.886	.992	.964	.941	.922	.893	.872	.855	.832
23	Basic Premium Ratio	.835	.669	.504	.338	.173	.008	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.165	.331	.496	.662	.827	.992	.969	.944	.924	.907	.881	.862	.848	.827
22	Basic Premium Ratio	.814	.628	.442	.256	.070	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.186	.372	.558	.744	.930	.978	.949	.927	.909	.894	.871	.854	.841	.823
21	Basic Premium Ratio	.790	.579	.369	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.210	.421	.631	.841	.990	.957	.932	.912	.896	.882	.862	.847	.835	.818
20	Basic Premium Ratio	.758	.516	.274	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.242	.484	.726	.968	.966	.936	.913	.895	.881	.869	.851	.837	.827	.812
19	Basic Premium Ratio	.720	.439	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.280	.561	.841	.979	.942	.915	.894	.878	.865	.854	.838	.826	.817	.805
18	Basic Premium Ratio	.672	.344	.016	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.328	.656	.984	.954	.920	.896	.877	.863	.851	.842	.827	.817	.810	.799

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
17	Basic Premium Ratio	.617	.234	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.383	.766	.977	.932	.902	.879	.863	.850	.839	.831	.819	.810	.803	.794
16	Basic Premium Ratio	.550	.100	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.450	.900	.953	.913	.885	.865	.851	.839	.830	.823	.812	.804	.798	.790
15	Basic Premium Ratio	.477	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.523	.992	.932	.896	.872	.854	.841	.831	.822	.816	.806	.799	.794	.788
14	Basic Premium Ratio	.414	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.586	.973	.912	.881	.861	.846	.834	.825	.818	.812	.804	.797	.793	.787
13	Basic Premium Ratio	.344	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.656	.953	.889	.867	.851	.838	.828	.821	.814	.809	.801	.796	.791	.786
12	Basic Premium Ratio	.256	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.744	.931	.874	.856	.842	.831	.823	.816	.810	.806	.799	.794	.790	.785
11	Basic Premium Ratio	.159	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.841	.906	.860	.846	.834	.825	.818	.812	.807	.803	.796	.792	.788	.784
10	Basic Premium Ratio	.042	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.958	.879	.848	.836	.827	.819	.813	.807	.803	.800	.794	.790	.787	.783
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.982	.850	.838	.828	.820	.813	.808	.803	.800	.797	.792	.788	.786	.782
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.952	.838	.828	.820	.813	.808	.803	.800	.796	.794	.790	.787	.784	.781
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.917	.828	.820	.813	.807	.803	.799	.796	.793	.791	.788	.785	.783	.780
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.876	.818	.812	.806	.802	.798	.795	.792	.790	.788	.785	.783	.782	.779
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.826	.809	.804	.800	.797	.794	.791	.789	.787	.786	.783	.782	.780	.778
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.815	.800	.797	.794	.792	.790	.788	.786	.785	.784	.782	.781	.779	.777

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-90497, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-90497, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-90497, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-90497, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.18.010. 00-11-060, § 296-17-90497, filed 5/12/00, effective 7/1/00.]

WAC 296-17-920 Assessment for supplemental pension fund. The amount of 36.0 mills ($.0360) shall be retained by each employer from the earnings of each worker for each hour or fraction thereof the worker is employed. The amount of money so retained from the employee shall be matched in an equal amount by each employer, except as otherwise provided in these rules, all such moneys shall be remitted to the department on or before the last day of January, April, July and October of each year for the preceding calendar quarter, provided self-insured employers shall remit to the department as provided under WAC 296-15-060. All such moneys shall be deposited in the supplemental pension fund.

[Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, and 51.18.010. 03-24-066, § 296-17-920, filed 12/1/03, effective 1/1/04. Statutory Authority: RCW 51.16.035, 51.32.073, 51.18.010, and 51.04.020(1). 02-24-029, § 296-17-920, filed 11/27/02, effective 1/1/03. Statutory Authority: RCW 51.04.020, 51.16.035, 51.32.073, 51.18.010. 01-23-061, § 296-17-920, filed 11/20/01, effective 1/1/02; 00-23-101, § 296-17-920, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 51.04.020, 51.16.035 and 51.32.073. 99-24-055, § 296-17-920, filed 11/29/99, effective 12/31/99; 98-24-094, § 296-17-920, filed 12/1/98, effective 1/1/99; 97-24-062, § 296-17-920, filed 12/1/97, effective 1/1/98; 96-24-063, § 296-17-920, filed 11/29/96, effective 1/1/97. Statutory Authority: RCW 51.16.035 and 51.32.073. 96-06-025, § 296-17-920, filed 2/28/96, effective 4/1/96. Statutory Authority: RCW 51.04.020. 95-23-080, § 296-17-920, filed 11/20/95, effective 1/1/96; 94-24-007, § 296-17-920, filed 11/28/94, effective 1/1/95; 93-24-114, § 296-17-920, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 92-24-063, § 296-17-920, filed 11/30/92, effective 1/1/93; 91-24-053, § 296-17-920, filed 11/27/91, effective 1/1/92; 89-24-051 (Order 89-22), § 296-17-920, filed 12/1/89, effective 1/1/90. Statutory Authority: RCW 51.04.020 and 51.32.073. 87-04-006 (Order 86-49), § 296-17-920, filed 1/23/87. Statutory Authority: RCW 51.16.035. 86-12-041 (Order 86-18), § 296-17-920, filed 5/30/86, effective 7/1/86; 83-24-017 (Order 83-36), § 296-17-920, filed 11/30/83, effective 1/1/84; 82-24-047 (Order 82-38), § 296-17-920, filed 11/29/82, effective 1/1/83; 81-24-042 (Order 81-30), § 296-17-920, filed 11/30/81, effective 1/1/82; 80-17-016 (Order 80-23), § 296-17-920, filed 11/13/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-17-920, filed 11/30/79, effective 1/1/80. Statutory Authority: RCW 51.04.020(1) and 51.16.035. 78-12-043 (Order 78-23), § 296-17-920, filed 11/27/78, effective 1/1/79; Order 77-27, § 296-17-920, filed 11/30/77, effective 1/1/78; Order 77-10, § 296-17-920, filed 5/31/77; Order 76-36, § 296-17-920, filed 11/30/76; Order 75-38, § 296-17-920, filed 11/24/75, effective 1/1/76; Order 75-28, § 296-17-920, filed 8/29/75, effective 10/1/75; Order 74-40, § 296-17-920, filed 11/27/74, effective 1/1/75; Order 74-6, § 296-17-920, filed 1/23/74.]

Chapter 296-19A WAC
VOCATIONAL REHABILITATION

(Formerly chapter 296-18A WAC)

WAC

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WAC 296-19A-010 Definitions. (1) **What does it mean to say an injured worker is employable?**

(a) "Employable" means having the skills and training that are commonly and currently necessary in the labor market to be capable of performing and obtaining gainful employment on a reasonably continuous basis when considering the worker's:

(i) Age, education, and experience;

(ii) Preexisting physical and mental limitations; and

(iii) Physical and mental limitations caused, at least in part, by the worker's industrial injury or occupational disease.

(b) Physical and/or mental conditions that arose after the industrial injury/occupational disease that were not caused or aggravated by the industrial injury/occupational disease are not considered in determining whether the worker is employable under the Industrial Insurance Act.

(c) If there are no physical or mental restrictions caused by the worker's industrial injury/occupational disease, the worker must be found employable under the Industrial Insurance Act.

(2) **What are vocational rehabilitation services?** Vocational rehabilitation services are those provided by a vocational rehabilitation provider and include, but are not limited to, the following:

(a) Gathering industrially injured or ill workers' work and/or education histories and physical capacities information;

(b) Assessing industrially injured or ill workers' employability;

(c) Developing, documenting, and writing vocational rehabilitation plans;

(d) Monitoring injured workers' progress during training;

(e) Writing progress reports;

(f) Analyzing and documenting the transferable skills of the injured worker and writing transferable skills analyses;

(g) Performing occupational research;

(h) Conducting labor market surveys and writing labor market survey reports;

(i) Conducting and writing job analyses;

(j) Communicating with industrially injured or ill workers, employers, physicians and others;

(k) Developing job modifications and work site modifications, as well as prejob accommodations, and writing reports for this work; and

(l) All work done to obtain any job with any employer for injured workers referred for vocational rehabilitation services.

(3) **What is a vocational rehabilitation provider (provider)?** A provider is any person, firm, partnership, corporation, or other legal entity that provides vocational rehabilitation services to industrially injured or ill workers, pursuant to RCW 51.32.095. A provider must meet the qualifications listed in WAC 296-19A-210.

(4) **What is an injured worker's labor market?** Generally, the worker's relevant labor market is the geographic area where the worker was last gainfully employed. The labor market must be within a reasonable commuting distance and be consistent with the industrially injured or ill worker's physical and mental capacities. The exceptions to this rule are listed in the table below:

When a worker:	Then the department:
• Relocates to a labor market other than at the time of injury and • Returns to work and • Suffers an aggravation of the work-related condition.	Uses the labor market where the industrially injured or ill worker worked at the time of the aggravation. This applies whether the department closed and reopened the claim or whether the claim remained open during the period of aggravation.
• Relocates after the industrial injury/illness or aggravation and • Now lives in a labor market with more employment opportunities than where the industrially injured or ill worker worked at the time of injury.	Uses the industrially injured or ill worker's current labor market. For example, an industrially injured or ill worker was injured in Forks but after the injury, moves to Tacoma. Provider would use Tacoma as the industrially injured or ill worker's labor market.
• Relocates to a labor market other than at the time of injury or onset of illness and • The move was proximately caused by the medical condition arising from the occupational injury or disease.	Uses the injured or ill worker's current labor market. For example, an industrially injured or ill worker moves to a drier climate due to an accepted asthma condition. Provider would use the labor market in the drier climate.

(5) **What is a labor market survey (LMS)?** It is a survey of employers in an industrially injured or ill worker's labor market to obtain specific information (such as physical demands and qualifications) related to job possibilities.

(6) **What is a job analysis (JA)?** It is the gathering, evaluating, and recording of accurate, objective data about the characteristics of a particular job.

(7) **What is a transferable skill?** Transferable skills are any combination of learned or demonstrated behavior, education, training, work traits, and work-related skills that can be readily applied by the worker. They are skills that are interchangeable among different jobs and workplaces. Nonwork-related talents or skills that are both demonstrated and applicable may also be considered.

(8) **What is a transferable skills analysis?** It is a systematic study of the transferable skill or skills a worker has demonstrated to see if that skill set makes him/her employable.

(9) **What are job modifications?** Job modifications are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. The purpose of job modification benefits is to encourage employers to modify jobs to retain or hire injured workers. Job modifications are used when an employer-employee relationship exists, and they may include worksite adjustment; job restructuring; and/or tools, equipment or appliances.

(10) **What are prejob accommodations?** Prejob accommodations are adjustments or alterations made to the way a job is performed to accommodate the restrictions imposed by an industrial injury or occupational disease. The purpose of prejob accommodation benefits is to make it possible for the worker to perform the essential functions of a job. Accommodations are used when an industrially injured or ill worker is engaged in a vocational rehabilitation plan or in a job search, and they may include tools, equipment or appliances.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-010, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-010, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-020 When may the department offer vocational rehabilitation services? The department may, at its sole discretion, authorize vocational rehabilitation services that are necessary and likely to enable the industrially injured or ill worker to become employable.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-020, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-020, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-025 What information does the department consider when exercising discretion? In exercising its discretion the department considers, but is not limited to:

(1) Whether the worker took advantage of and utilized vocational rehabilitation services offered in this or other claims;

(2) The worker's ability and willingness to participate in and benefit from vocational rehabilitation services; and

(3) The likelihood that the worker will be employable after the vocational rehabilitation services are completed.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-025, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-030 What are the responsibilities of the parties? All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the industrially injured or ill worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including making an estimate of the worker's physical or mental capacities that affect the worker's employability.

(2) The claims unit within the department shall notify the employer of the referral to a vocational rehabilitation provider.

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095 and the requirements as set out in this chapter. This includes providing, upon request, copies of reports and attachments submitted to the referral source to the injured worker or their representative.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-030, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-030, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-040 What vocational rehabilitation services require authorization? All vocational rehabilitation services must be preauthorized. The department may make one or more of the following type of referrals: Early intervention; ability to work assessment ("AWA" or "assessment"); plan development; plan implementation; forensic services; or stand alone job analysis. Each referral is a separate authorization for vocational rehabilitation services.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-040, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-040, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-045 Which rules under "department vocational rehabilitation referrals" apply only to the department? WAC 296-19A-050 through 296-19A-137 pertain to referrals for vocational rehabilitation services made by the department.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-22-030, § 296-19A-045, filed 10/28/03, effective 2/1/04; 00-18-078, § 296-19A-045, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-060 What reports does the department require when early intervention services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The progress report must include the following:

(a) Summarized results of all contacts the provider had with the industrially injured or ill worker, employer of injury or current employer, and medical provider(s);

(b) Summary of all actions taken including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) Description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Closing reports. The provider must always submit an early intervention closing report at the conclusion of services. In the report the provider must include or address:

(a) A brief description of the industrially injured or ill worker's work history;

(b) Summary of the industrially injured or ill worker's education, training, licenses, and certificates;

(c) A medically reviewed job analysis for the job of injury and any other return to work options;

(d) Description of the worker's medical status and physical capacities;

(e) Indication of which return to work priority relates to the situation;

(f) Any other supporting documentation;

(g) The date the worker returned to work and the monthly salary or wage, or document attempts to obtain this information, if applicable;

(h) Documentation that no return to work options exist with the employer of injury or current employer, if applicable.

(3) The provider must notify the department orally and in writing within two working days after learning of an unsuccessful return to work by the injured worker.

(4) The provider must notify the department orally and in writing within two working days after learning of a return to work by the injured worker.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-060, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-060, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-065 What are ability to work assessment (AWA) services? AWA services are used by the department to determine if an industrially injured or ill worker should receive vocational rehabilitation plan development services. AWA services may include, but are not limited to, the following:

(1) Performing job analyses;

(2) Conducting labor market surveys;

(3) Assessing transferable skills;

(4) Obtaining work restrictions;

(5) Evaluating the injured worker's ability to work at the job of injury or any other job;

(6) Coordinating with medical providers to obtain physical capacities and restriction information and a release to participate in vocational rehabilitation plan development services;

(7) With authorization from the department, vocational testing may be used to evaluate the industrially injured or ill worker's ability to benefit from vocational rehabilitation services;

(8) Assessing the industrially injured or ill worker's need for preferred worker status and educating the worker on the preferred worker benefit, if appropriate.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-065, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-070 What is an ability to work assessment? (1) The AWA report must include an evaluation of the industrially injured or ill worker's:

(a) Age, education and experience;

(b) Transferable skills;

(c) Preexisting physical and mental conditions and the effect of those conditions on the worker's employability;

(d) Physical and mental conditions proximately caused by the worker's industrial injury or occupational disease and the effect of those conditions on the worker's employability;

(e) Wage at the time of injury;

(f) Work pattern;

(g) Significant barriers to employment;

(h) Labor market;

(i) Complete work history, addressing any gaps in employment, in addition to information about education

level, courses or transcripts, licenses, certifications or registrations that the worker may have obtained in the past; and

(j) The report must address the first four return to work priorities set forth in RCW 51.32.095(2).

(2) The AWA must also include one of the following recommendations:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, a list of job possibilities for which the worker is qualified;

(ii) A medically approved job analysis. When this is not obtainable, medically approved physical capacities information regarding the worker's ability to perform the job may be used; and

(iii) Labor market information supporting the provider's recommendation. Labor market information is not necessary when the injured worker is medically released to work for their job of injury at their previous work pattern;

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating how vocational rehabilitation plan development services are necessary and likely to enable the injured worker to become employable at gainful employment;

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out including labor market information when necessary; or

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational rehabilitation services are not appropriate;

(ii) Identifying barriers that will make it unlikely the worker will benefit from vocational rehabilitation services, consistent with the requirements in WAC 296-19A-010(1);

(iii) Medical, labor market, and/or other information, as necessary, supporting the provider's recommendations.

(d) Return to work: The injured worker has returned to work. The report must specify and/or document attempts to obtain the following information:

(i) A description of the job the worker returned to;

(ii) The name of the employer;

(iii) The date that the worker returned to work;

(iv) The worker's monthly wages.

(3) The provider must immediately inform the department orally if the worker has returned to work or if the provider has documentation that the worker is medically released without restrictions or has returned to work. The provider must follow the oral notification with written notification within two working days. The provider must attach documentation showing the worker was medically released to work without restrictions. Except for completing the closing report, the provider should not perform any other work on the AWA without the prior authorization of the referral source.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-070, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-070, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-080 How often must written progress reports be completed and submitted during assessment activities? The provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The written progress report must include:

(1) A detailed explanation why the AWA was not completed as of the date of the report;

(2) A summary of all activities taken in the past thirty days, including progress on previously recommended actions;

(3) Identification and analysis of any barriers preventing completion of the referral; and

(4) A description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-22-030, § 296-19A-080, filed 10/28/03, effective 2/1/04; 00-18-078, § 296-19A-080, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-090 What are vocational rehabilitation plan development services? Vocational rehabilitation plan development services are authorized to obtain the vocational rehabilitation provider's assistance in producing a vocational rehabilitation plan for an industrially injured or ill worker. The provider will work with the industrially injured or ill worker in the development of the plan. Covered services include, but are not limited to, the following:

(1) Vocational counseling and occupational exploration;

(2) Identifying job goal, training needs, resources, and expenses;

(3) Vocational rehabilitation plan development services are authorized for the vocational rehabilitation provider to produce a recommended vocational rehabilitation plan for an industrially injured or ill worker;

(4) Coordinating with medical providers to obtain physical capacities and restrictions information and a release to participate in a vocational rehabilitation plan;

(5) Vocational testing; and

(6) Identify, evaluate, and plan education and training resources, when necessary.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-090, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-090, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-100 What reports does the department require when vocational rehabilitation plan development services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The progress report must include the following:

(a) Description of the return to work goals explored, accepted or ruled out;

(b) Review of the return to work priorities being addressed;

(c) Summary of all actions taken, including progress on previously recommended actions;

(d) Identification and analysis of any barriers preventing completion of the referral; and

(e) Description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Vocational rehabilitation plan. The provider must address the return to work priorities listed in RCW 51.32.095 (2) in the plan and explain why each preceding priority would not help the industrially injured or ill worker return to work. The vocational plan must also include the following information:

(a) An assessment of the industrially injured or ill worker's skills and abilities considering the industrially injured or ill worker's physical capacities and mental status, aptitudes and transferable skills gained through prior work experience, education, training and avocation;

(b) The services necessary to enable the industrially injured or ill worker to become employable in the labor market;

(c) Labor market survey supportive of the industrially injured or ill worker's employability upon plan completion;

(d) Documentation of the time and costs required for completion of the plan;

(e) A direct comparison of the industrially injured or ill worker's skills, both existing and those to be acquired through the plan, with potential types of employment to demonstrate a likelihood of plan success;

(f) A medically approved job analysis for the proposed retraining job goal;

(g) Any other information that may significantly affect the plan; and

(h) An agreement signed by the provider and industrially injured or ill worker that:

(i) Acknowledges that the provider and the industrially injured or ill worker have reviewed, understand and agree to the vocational rehabilitation plan; and

(ii) Sets forth the provider's and industrially injured or ill worker's responsibilities for the successful implementation and completion of the vocational rehabilitation plan.

The provider must use a statement approved by, or substantially similar to a statement used by, the department in order to document this agreement.

(3) Closing report. If the provider has to stop plan development before a rehabilitation plan is submitted and/or approved, submit a plan development closing report. The report must include:

(a) A list of the reasons the provider cannot proceed with vocational rehabilitation plan development activities;

(b) Supporting documentation, such as: Goals researched, job analyses developed, and/or labor market research conducted; and

(c) Address whether or not further vocational rehabilitation services may be necessary and likely to enable the injured worker to become employable.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-100, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-100, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-110 What are vocational rehabilitation plan implementation and monitoring services? Vocational rehabilitation plan implementation and monitoring services are those services a vocational rehabilitation provider provides to assist an industrially injured or ill worker to successfully complete a vocational rehabilitation plan. These services may include, but are not limited to, the following:

(1) Maintain sufficient contact with the industrially injured or ill worker, trainer and medical providers to make sure the worker successfully enters and progresses in the vocational rehabilitation plan;

(2) Confirm that the industrially injured or ill worker has received all necessary equipment and supplies;

(3) Contact the industrially injured or ill worker and trainer at least every thirty days to identify potential problems;

(4) Notify the department if the plan needs to be interrupted;

(5) Notify the department when the industrially injured or ill worker completes the plan;

(6) Monitor the industrially injured or ill worker's progress and resolve any problems that might arise or address by submitting supporting documentation regarding why it cannot be brought to resolution;

(7) Assisting in job search assistance prior to the completion of the vocational rehabilitation plan.

(8) Document the industrially injured or ill worker's acquisition of skills; and

(9) Notify the department if the plan needs to be terminated.

(10) Obtain preferred worker status for worker, if appropriate.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-110, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-110, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-120 What reports does the department require when vocational rehabilitation plan implementation and monitoring services are provided at its request? (1) Progress reports. The vocational rehabilitation provider must submit a written progress report to the department, and upon request, to the injured worker or the injured worker's representative, every thirty calendar days from the date of the electronic referral summarizing progress during the most recent reporting period. The progress report must include the following:

(a) Review of the industrially injured or ill worker's compliance with the vocational rehabilitation plan;

(b) A list of the dates the provider contacted the industrially injured or ill worker and training site;

(c) Description of the skills the worker has acquired so far and a comparison with the vocational rehabilitation plan;

(d) Summary of all actions taken in the past thirty days, including progress on previously recommended actions;

(e) Identification and analysis of any barriers preventing completion of the referral;

(f) Statement of whether the industrially injured or ill worker will complete the plan by the target plan end date.

(2) Closing report. If the industrially injured or ill worker successfully completes the vocational rehabilitation plan, the

closing report, at a minimum, must contain the following information:

(a) An assessment of the industrially injured or ill worker's employability status at the time of closure;

(b) An assessment of the skills acquired by the industrially injured or ill worker as compared to the vocational rehabilitation plan;

(c) A statement as to whether or not the industrially injured or ill worker has returned to gainful employment; and

(d) The barriers, if any, to the industrially injured or ill worker's return to gainful employment.

(3) If the industrially injured or ill worker does not successfully complete the vocational rehabilitation plan, the closing report, at a minimum, must contain the following information:

(a) Explain why the vocational rehabilitation plan cannot be completed;

(b) Assess the industrially injured or ill worker's employability status at the time the plan stopped;

(c) Assess what skills the industrially injured or ill worker acquired and compare them to the vocational rehabilitation plan;

(d) Indicate whether or not the industrially injured or ill worker has returned to work. If so, list the job title, employer, and monthly salary; and

(e) Describe any remaining barriers that may keep the industrially injured or ill worker from returning to work.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-22-030, § 296-19A-120, filed 10/28/03, effective 2/1/04; 00-18-078, § 296-19A-120, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-125 What is the purpose of forensic services? The department may make a referral for forensic services to obtain an independent and objective evaluation of the vocational rehabilitation components of a complex claim. The department will only authorize a forensic evaluation when previous vocational referrals have not resolved an injured worker's vocational issues, except when necessary to make a determination regarding whether a deceased worker was totally and permanently disabled at the time of death. The forensic evaluation shall define what additional services, if any, are necessary and likely to enable an industrially injured or ill worker to become employable at gainful employment. A forensic evaluation shall also include collecting information relevant to making a vocational recommendation, according to the provisions in WAC 296-19A-130.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-125, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-130 What are the requirements for a forensic evaluation? (1) A forensic evaluation constitutes an analysis of prior vocational services and the medical conditions of an injured worker, including pre and post injury, to determine whether any further vocational services are necessary and likely to enable the injured worker to become employable at gainful employment. Services that may be conducted in order to make a recommendation to the department may include, but are not limited to:

(a) Reviewing medical and vocational records;

(b) Obtaining, clarifying, and/or evaluating an industrially injured or ill worker's:

(i) Work and/or education history;

(ii) Skills, knowledge and aptitudes;

(iii) Physical capacities information related to the injury or other medical conditions;

(c) Identifying barriers to employment and possibilities for resolving the barriers;

(d) Identifying potential training needs and resources;

(e) Performing recommended services as needed to make a recommendation. These services may include conducting and writing job analyses, conducting labor market surveys, performing transferable skills analysis and performing occupational research.

(2) Recommendations must address the return to work priorities in RCW 51.32.095(2) and be documented by providing evidence of previous services and/or services performed under this referral.

(3) Development of a vocational rehabilitation plan is specifically precluded during a forensic evaluation.

(4) Any vocational provider that has provided any vocational rehabilitation services to the industrially injured or ill worker may not receive a referral for a forensic evaluation of that industrially injured or ill worker. Any vocational provider who begins a forensic evaluation cannot receive further vocational referrals for that worker.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-130, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-130, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-135 What reports does the department require when forensic services are provided? A forensic evaluation requires thirty-day progress report(s) and a final report.

(1) Progress reports. Each progress report must include:

(a) A detailed explanation why the forensic referral was not completed as of the date of the report;

(b) A summary of all activities taken in the past thirty days, including progress on previously recommended actions;

(c) Identification and analysis of any barriers preventing completion of the referral; and

(d) A description of the specific actions the provider intends to take to overcome barriers and the expected time frame to complete those actions.

(2) Final report. The final report must include recommendations and a recommended outcome. The report must comprehensively evaluate the vocational and medical aspects of the claim so that the adjudicator can make an appropriate vocational decision. The vocational provider must designate an outcome in the closing report when the forensic evaluation is complete. The recommendations may include, but are not limited to:

(a) Able to work: The injured worker is employable at gainful employment. The report must include:

(i) Whether the worker is employable with the employer of injury or current employer, or if not, a list of job possibilities for which the worker is qualified;

(ii) A medically approved job analysis. When this is not obtainable, medically approved physical capacities information supporting the worker's ability to perform the job may be used; and

(iii) Labor market information supporting the provider's recommendation. Labor market information is not necessary when the injured worker is medically released to work for their job of injury at their previous work pattern.

(b) Further services appropriate: Vocational rehabilitation services are necessary and likely to enable the injured worker to become employable at gainful employment. The report must include:

(i) An analysis demonstrating how vocational rehabilitation plan development services are necessary and likely to enable the injured worker to become employable at gainful employment.

(ii) The specific return to work possibilities investigated and the reasons why they were ruled out, including labor market information when necessary.

(c) Further services not appropriate: The injured worker is not likely to benefit from vocational services. The report must include:

(i) An analysis explaining why vocational services are not appropriate;

(ii) Identifying barriers that will make it unlikely the worker will benefit from vocational services, consistent with the requirements in WAC 296-19A-010(1);

(iii) Medical, labor market, and/or other information, as necessary, supporting the provider's recommendations.

(d) Return to work: The injured worker has returned to work. The report must specify and/or document attempts to obtain the following information:

(i) A description of the job the worker returned to;

(ii) The name of the employer;

(iii) The date that the worker returned to work;

(iv) The worker's monthly wages.

(e) Further clarification of medical issues is needed. The vocational rehabilitation provider will identify issues impacting the vocational rehabilitation process and requiring clarification.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-135, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-137 When can the department request a stand alone job analysis? The department can request a stand alone job analysis to analyze the requirements and characteristics of a job(s), an injured worker's ability to perform job functions and duties, and whether the injured worker requires further vocational rehabilitation services in order to become employable at gainful employment. Stand alone job analysis services are distinct services from any other referral type and may not be performed in conjunction with another referral for vocational rehabilitation services. A referral for a stand alone job analysis may be made at any time while the claim is open or in provisional status. The provider shall conduct an on-site job analysis whenever possible. Stand alone job analysis services must be completed and submitted to the department within fifteen calendar days of the referral assignment. The provider shall prepare a report addressing all elements set forth in WAC 296-19A-170.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-137, filed 5/12/03, effective 7/1/03.]

WAC 296-19A-140 What information must a provider include in a labor market survey? (1) The following information must be included in a labor market survey that is submitted to the department as documentation in support of a vocational recommendation. This information must be presented in the form of a summary report and accompanied by the results of the individual employer contacts:

(a) The specific job title surveyed and its DOT code. If the DOT code is not an accurate reflection/description of the job, then list the specific job surveyed, the occupational code and the source from which the occupational code was obtained;

(b) The name of the surveyor;

(c) A summary of all contacts and the dates of contact;

(d) A summary of whether or not the industrially injured or ill worker has the physical and mental/cognitive capacities to perform the job, based upon information from the attending physician or from a preponderance of medical information;

(e) A summary of whether the labor market matches the industrially injured or ill worker's work pattern;

(f) A summary of whether the labor market is considered positive or negative, as follows:

(i) If the labor market survey is conducted during an ability to work assessment, a labor market is considered positive if it shows that there are sufficient job opportunities in the worker's relevant labor market to enable the injured worker to become employable.

(ii) If the labor market is conducted during a plan development, a labor market is considered positive if it shows that jobs suitable for the injured worker for the proposed job goal exist in sufficient numbers to reasonably conclude that the worker will be employable at plan completion.

(g) Additional information may be presented in the summary, but only as a supplement to the labor market survey. Additional information may include, but is not limited to, published statistical data regarding occupations and projected job openings.

(2) The following information must be obtained from the individual employer contacts and submitted to the department with the summary report. If the information is not available, the VRC should document attempts made to obtain the information and why it was not available.

(a) The specific job title surveyed;

(b) All specific employer contacts, including their firm names, phone numbers, contact name and job title;

(c) Physical and mental/cognitive demands of the job in relation to the industrially injured or ill worker's physical and mental/cognitive capacities;

(d) Minimum hiring requirements and the skills and training commonly and currently necessary to be gainfully employed in the job;

(e) Work patterns;

(f) Number of positions per job title;

(g) Wage;

(h) Date of last hire;

(i) Number of current openings; and

(j) An indication of whether each contact was considered positive or negative. The provider must include specific documentation to support why a contact was positive or negative for the recommended occupation or proposed vocational goal.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-140, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-140, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-170 What information must a provider include in a job analysis? When completing a job analysis, the vocational rehabilitation provider must:

(1) Include identifying information on each page. This information includes the worker's name and claim number, and the specific job title surveyed and its DOT code. If the DOT code is not an accurate reflection/description of the job, then list the specific job surveyed, the occupational code and the source from which the occupational code was obtained;

(2) Note the name of the vocational rehabilitation provider who completed the job analysis, where the provider completed the job analysis and the date of the job analysis. If the analysis is based on site specific information, include the employer name and employer contact person(s) name(s) with phone number(s);

(3) Describe the essential functions and all other tasks required to perform the job. Essential job functions are the basic, necessary, and integral parts of a job performed by a worker;

(4) List the tools and equipment required to do the job;

(5) Evaluate and describe the skills required to perform the job;

(6) Evaluate and describe the physical demands and their frequency required to perform the job, utilizing the physical demands listing consistent with the DOT. If the DOT does not represent an accurate reflection/description of the job, then list the specific job surveyed, the physical demands and the source from which the physical demands listing was obtained. The vocational rehabilitation provider should pay special attention to any job duties and physical demands that may be affected by the industrially injured or ill worker's condition;

(7) Describe, if pertinent, any environmental hazards encountered on the job;

(8) Describe possible modifications to the job for employer job offers or job modifications;

(9) A section for medical approval, signature, and comments; and

(10) The signature of the vocational rehabilitation provider presenting the job analysis for review and date signed.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-170, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-170, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-180 When may the department authorize job modifications? As provided for in section 13, chapter 63, Laws of 1982 (RCW 51.32.250), the supervisor or supervisor's designee, in his or her discretion, may authorize job modifications when the following criteria are met:

(1) The claim is open or in statutory pension status; and

(2) Due to the restrictions related to the accepted industrial condition to the worker:

(a) Is in a light-duty job (graduated or transitional) and the modification is necessary to return the worker to the job of injury or a new job; or

(b) Is off work and the modification is necessary to return the worker to the job of injury or a new job; and

(3) An employer-employee relationship exists.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-180, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-180, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-190 How much is available for job modification assistance? An amount not to exceed five thousand dollars from the department is available per worker per job or job site. If combined with prejob accommodations for the same return to work goal, the maximum combined benefit available for job modification and prejob accommodation is five thousand dollars. The employer may add to this amount with its own contribution.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-190, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-190, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-191 When may the department authorize prejob accommodations? As provided for in RCW 51.32.095(4), the supervisor or the supervisor's designee, in his or her discretion, may authorize prejob accommodations when the following criteria are met:

(1) The claim is open or in statutory pension status; and

(2) The injured worker's attending doctor certifies that the prejob accommodations are medically necessary due to the effects of the accepted industrial condition; and

(3) The prejob accommodation is medically necessary to enable the industrially injured or ill worker to:

(a) Participate in an approved retraining program; or

(b) Perform the essential functions of a job or a return to work goal in which the worker is seeking employment consistent with a completed retraining plan or the recommendations of an ability to work assessment; and

(4) No employer-employee relationship exists.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-191, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-192 How much is available for prejob accommodations? An amount not to exceed five thousand dollars from the department is available per worker per claim. If combined with job modifications for the same return to work goal, the maximum combined benefit available for job modification and prejob accommodation is five thousand dollars.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-192, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-193 What documentation must be submitted to the department for prejob accommodations? (1) A vocational provider assisting the injured worker in applying for prejob accommodation assistance must submit to the department a prejob accommodation assistance application. Prejob accommodations assistance applications shall be submitted on a form prescribed by the department.

(2) The prejob accommodation assistance application shall include, but is not limited to:

(a) A document supporting the need for prejob accommodation;

(b) A description of the prejob accommodation;

(c) An itemized account of each expense to be incurred in the prejob accommodation;

(d) An ownership agreement;

(e) Physician's certification of medical necessity.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-193, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-200 How does an employer apply for job modification assistance? (1) An employer requesting job modification assistance must submit to the department a job modification assistance application. A vocational provider may assist the employer with the application.

(2) The job modification assistance application shall include, but not be limited to:

(a) A document supporting the need for job modification;

(b) A description of the job modification;

(c) An itemized account of each expense to be incurred in the job modification. Job modification assistance applications shall be submitted on a form prescribed by the department; and

(d) An ownership agreement.

(3) The supervisor or supervisor's designee shall accept, reject or modify the job modification application within thirty days of receipt. Notification of the supervisor's acceptance, rejection, or modification shall be in writing.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-200, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-200, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-210 What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers? Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher quality level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. To ensure the provision of the highest possible quality of vocational rehabilitation services, the department shall only issue a provider number to persons, firms, partnerships, corporations, and other legal entities that meet the following qualification requirements:

(1) Vocational rehabilitation counselor (VRC).

(a) VRCs not registered with the department and applying for a provider number with the department effective on or after December 1, 2000, must meet the following minimum qualifications:

Education	Experience	Certification
Masters Degree	1 year full-time industrial insurance experience	and CRC or CDMS or ABVE
OR		
Bachelors Degree	2 years full-time industrial insurance experience	and CRC or CDMS

CRC = Certified Rehabilitation Counselor
CDMS = Certified Disability Management Specialist
ABVE = American Board of Vocational Experts

(b) VRCs registered with the department as of November 30, 2000, will be required to meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC assigned to or directly receiving the referral from the referral source is responsible for all work performed by any vocational provider on that referral.

(2) VRC supervisor.

(a) In order to supervise interns providing vocational rehabilitation services to industrially injured or ill workers beginning on or after December 1, 2000, the VRC supervisor must provide proof of five years full-time experience providing direct vocational services to Washington state injured workers. The VRC supervisor must meet all of the qualification requirements in subsection (1) of this section.

(b) Supervisors registered with the department as of November 30, 2000, will be required to meet the qualification criteria in (a) of this subsection no later than November 30, 2010.

(c) The VRC supervisor is responsible for ensuring that all work performed by an intern for the department or self-insurer conforms with Title 51 RCW, department rules and department policies.

(3) Forensic services—In order to provide forensic services to the department, on or after the effective date of this rule, a VRC must provide proof of five years full-time experience providing direct vocational services to Washington state industrially injured or ill workers, and must possess a CRC or ABVE certification. Vocational providers previously approved to provide this service, under chapter 296-19A WAC, will retain that status.

(4) Intern.

(a) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must meet the following minimum qualifications:

Degree	Internship Length
Masters Degree in field acceptable to CRC or CDMS or ABVE	Equal to required experience to obtain CRC or CDMS or ABVE certification including at least 1 year working with industrially injured or ill workers.
OR	
Bachelors Degree in field acceptable by CDMS	Equal to required experience to obtain CDMS certification including at least 2 years working with industrially injured or ill workers.

(b) Interns not registered with the department and applying for a provider number with the department on or after December 1, 2000, must obtain one of the required VRC certifications within one year of completing their required internship. Interns will remain in internship status during this time frame.

(c) Interns registered with the department as of November 30, 2000, will be required to apply for a provider number with the department and may work as an intern until the end of their current internship. Upon completion of the internship the intern may submit an application to the department as a VRC. These providers must obtain one of the required VRC certifications by November 30, 2010.

(d) All interns are required to conform to Title 51 RCW, department rules, and department policies. All interns granted a provider number by the department must be supervised by a VRC supervisor.

(e) No person shall serve as an intern under these rules for more than seventy-two months of full-time experience, or its equivalent, working with industrially injured or ill workers. The intern must notify the department when there is a change in the status of an internship.

(5) Interns may not receive referrals directly from the department or self-insured employers. Interns may perform aspects of vocational rehabilitation services under the supervision of a VRC supervisor.

(6) Providers who receive or are assigned referrals must comply with all electronic security requirements in place for accessing department files.

(7) Providers registered with the department as of November 30, 2000, who do not meet the above qualification requirements within the ten-year period will no longer be eligible to provide vocational rehabilitation services to industrially injured or ill workers and the department will terminate their provider number(s).

(8) Business requirements.

(a) Providers must comply with all federal and state laws, regulations and other requirements with regard to business operations. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(b) Providers must be covered by general liability insurance, automobile liability insurance, errors and omission insurance, malpractice insurance, and industrial insurance if required by Title 51 RCW.

(c) Providers must have services and facilities that provide injured workers a private and professionally suitable location in which to discuss vocational rehabilitation services issues. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(d) Providers must have telephone-answering capability during regular business hours, Monday through Friday. In order to be eligible to receive referrals from the department, providers must satisfy the requirements set forth in this subsection in every service location in which they wish to operate.

(e) In order to receive referrals made by the department, providers must maintain or have access to equipment that can utilize the department's remote access system for transmitting vocational referrals.

(9) The department may assign a provider number to a vocational rehabilitation firm, partnership, corporation or other legal entity so long as substantial control over the daily management of the vocational rehabilitation firm, partnership, corporation or other legal entity is performed by a VRC that satisfies the qualifications set forth in this rule.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-210, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-210, filed 9/1/00, effective 12/1/00.]

WAC 296-19A-240 What authority does the department have to audit vocational rehabilitation providers? The department has the authority to:

(1) Conduct audits of a provider, either for cause or at random;

(2) Conduct audits at a provider's place of business using copies and originals of all files and records maintained by the provider;

(3) Conduct audits away from a provider's place of business, using copies of all files and records supplied by the provider;

(4) Require a provider to submit legible copies of all files and records requested for audit;

(5) When the department requires the provider to submit copies of records and files to the department, the provider shall submit the requested material within thirty calendar days of the request;

(6) Inspect and audit all of the provider's vocational rehabilitation files and records relating to services delivered under Title 51 RCW;

(7) Inspect and audit a provider's documentation supporting charges billed for vocational rehabilitation services delivered.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-240, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-240, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-245 What is the department's formal appeal process? For information regarding the formal appeals process refer to chapter 51.52 RCW.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-245, filed 5/12/03, effective 2/1/04.]

WAC 296-19A-260 What are the possible consequences for a provider that does not comply with the RCWs, WACs, or department policies? The department may order corrective action(s) when it determines that a provider is not in compliance with department statute, rule, or written department policy. Possible corrective actions include, but are not limited to:

(1) Submission and implementation of a written corrective action by the provider showing how the provider will come into compliance;

(2) Recoupment of payments, plus interest, made to the provider;

(3) Requirement that the provider satisfactorily complete remedial education courses and/or other educational or training programs;

(4) Suspension or termination of a provider's provider number and ability to receive payment for vocational rehabilitation services rendered to industrially injured or ill workers under the Industrial Insurance Act;

(5) Rejection of a provider's application to provide vocational rehabilitation services to industrially injured or ill workers under the Industrial Insurance Act;

(6) Denial or rejection of a request for payment submitted by or on behalf of the provider;

(7) Placement of the provider on prepayment review status requiring the submission of supporting documents prior to payment;

(8) Assessment of penalties.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-260, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-260, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-270 In what situation(s) can the department take corrective action(s)? (1) Reasons the department can order corrective actions against a vocational rehabilitation provider include, but are not limited to, the following:

(a) Charging the department for services that do not contribute to the completion of a vocational referral, including, but not limited to:

(i) Preparation and submission of job analyses during plan development for jobs that are beyond the worker's documented or expected capacities and physical abilities as demonstrated by the medical information in the file at the time the job analysis was performed;

(ii) Preparation and submission of job analyses or labor market surveys during early intervention or assessment that are not supported by the injured worker's education, work history and/or transferable skills as demonstrated by the information in the file at the time the job analysis and/or labor market survey was performed;

(iii) Hand delivery of records when other less expensive means of delivery are reasonably appropriate and available;

(b) Commission of an act involving moral turpitude, dishonesty, or corruption relating to the provision of vocational rehabilitation services whether the act constitutes a crime or not;

(c) Misrepresentation or concealment of a material fact in obtaining a department provider number, or in response to any request for information about service delivery made by the department;

(d) Provision of vocational rehabilitation services without having a department provider number;

(e) Use of persons that do not possess a department provider number to deliver vocational rehabilitation services;

(f) Operation of a vocational firm, partnership, corporation, or other legal entity in violation of the business requirements set forth in RCW, WAC, or written department policy;

(g) Use of false, fraudulent, or misleading advertising;

(h) Commission of any incompetent or negligent action which presents the significant risk of resulting in harm to an industrially injured or ill worker, the referral source, or an employer;

(i) Submission of a false or misleading report or document as part of delivering vocational rehabilitation services;

(j) Failure to supervise a vocational rehabilitation intern in accordance with RCW, WAC, or written department policy;

(k) Failure to comply with any order issued by the department;

(l) Disclosure of confidential information on vocational rehabilitation services to a person who is not entitled to it;

(m) Unauthorized disclosure of confidential claim information, including, but not limited to, private health care information;

(n) Charges an industrially injured or ill worker or employer a fee for delivering vocational rehabilitation services on a referral from the referral source; and

(o) Bills an industrially injured or ill worker or state fund employer for providing services under the Industrial Insurance Act.

(2) The department can take corrective action(s) for other violations of RCW, WAC, or written department policy not specifically mentioned above.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-270, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-270, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-300 How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers? (1) Several situations exist in which a vocational rehabilitation provider may not have a performance rating with the department or may not have sufficient experience with Washington industrially injured or ill workers covered by the department to establish a performance rating.

(2) Provider community commentary, expert opinion and best practices suggest that there is a correlation between a higher level of vocational rehabilitation services and higher qualifications of vocational rehabilitation providers. Based upon this information, the department concludes that referrals to providers who satisfy these minimum qualification criteria set forth in WAC 296-19A-210 (1)(a), but who do not have a performance rating with the department, may be appropriate. The department will ensure that these providers are complying with department statutes, rules, and policies and furnishing a high level of service through close and continued monitoring. The department may consider making referrals to vocational rehabilitation providers, on a trial basis, for whom the department does not have performance rating data, under the following circumstances:

(a) The provider fulfills the qualification requirements set forth in WAC 296-19A-210 (1)(a); and

(b) The department may consider making referrals sufficient to develop a reliable performance rating.

(3) If the department elects to refer and monitor a limited number of cases to the provider(s) in order to evaluate a provider's performance and develop performance rating, the department makes no guarantee of future referrals to the provider.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-300, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-300, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-350 What are the requirements for case notes? Vocational rehabilitation providers must maintain case notes. Case notes must:

(1) Include the first and last name of the industrially injured or ill worker being served and the worker's claim number at the top of each page;

(2) Include the first and last name of the vocational rehabilitation provider providing each service documented on each page;

(3) Be kept in a claimant file corresponding to the reports, medical information, correspondence, and other materials that they provide documentation for;

(4) Testing and other records with special confidentiality requirements may be kept in separate files;

(5) Be legible;

(6) Be in chronological order;

(7) Record the date each service was provided month month/day day/year year;

(8) For providers who bill for vocational services, include the amount of time, recorded in tenths of an hour, required to provide each service;

(9) Describe each service sufficiently to allow the referral source to verify the purpose, level, type, and outcome of each service provided and substantiate the charges billed for them.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-350, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-350, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-400 What records are vocational rehabilitation providers required to maintain? (1) A vocational rehabilitation provider must maintain adequate documentation in claimant-specific files to verify the level, type, and extent of the vocational rehabilitation services provided to and on behalf of industrially injured or ill workers.

(2) A vocational rehabilitation provider who requests payment from the referral source for vocational rehabilitation services must maintain all records necessary for the director's authorized auditors to audit the provision of services. Providers need to keep all records necessary to disclose the specific nature and extent of all services provided for an industrially injured or ill worker, along with the amounts billed to the department, for those services. Records must be maintained for audit purposes for a minimum of five years from the date of closure by the provider.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-400, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-400, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-440 What elements of a vocational determination may be disputed? (1) A finding that an industrially injured or ill worker is eligible for vocational rehabilitation services, or a finding that he or she is ineligible for vocational rehabilitation services, may be disputed.

(2) An approved vocational rehabilitation plan may also be disputed.

(3) An approved plan modification may also be disputed.

(4) A previously approved vocational rehabilitation plan may not be disputed through a plan modification dispute process.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-440, filed 5/12/03, effective 2/1/04; 00-18-078, § 296-19A-440, filed 9/1/00, effective 6/1/01.]

WAC 296-19A-480 When must providers comply with these rules? (1) The amendments to the following section of chapter 296-19A WAC becomes effective on July 1, 2003:

WAC 296-19A-137 "When can the department request a stand alone job analysis?"

(2) The following amendments to chapter 296-19A WAC and new sections become effective February 1, 2004:

WAC 296-19A-010 "Definitions."

WAC 296-19A-020 "When may the department offer vocational rehabilitation services?"

WAC 296-19A-025 "What information does the department consider when exercising discretion?"

WAC 296-19A-030 "What are the responsibilities of the parties?"

WAC 296-19A-040 "What vocational rehabilitation services require authorization?"

WAC 296-19A-045 "Which rules under 'department vocational rehabilitation referrals' apply only to the department?"

WAC 296-19A-060 "What reports does the department require when early intervention services are provided at its request?"

WAC 296-19A-065 "What are ability to work assessment (AWA) services?"

WAC 296-19A-070 "What is an ability to work assessment?"

WAC 296-19A-080 "How often must written progress reports be completed and submitted during assessment activities?"

WAC 296-19A-090 "What are vocational rehabilitation plan development services?"

WAC 296-19A-100 "What reports does the department require when vocational rehabilitation plan development services are provided at its request?"

WAC 296-19A-110 "What are vocational rehabilitation plan implementation and monitoring services?"

WAC 296-19A-120 "What reports does the department require when vocational rehabilitation plan implementation and monitoring services are provided at its request?"

WAC 296-19A-125 "What is the purpose of forensic services?"

WAC 296-19A-130 "What are the requirements for a forensic evaluation?"

WAC 296-19A-135 "What reports does the department require when forensic services are provided?"

WAC 296-19A-140 "What information must a provider include in a labor market survey?"

WAC 296-19A-170 "What information must a provider include in a job analysis?"

WAC 296-19A-180 "What job modification assistance benefits are available?"

WAC 296-19A-190 "How much is available for job modification assistance?"

WAC 296-19A-191 "What prejob accommodations are available?"

WAC 296-19A-192 "How much is available for prejob accommodations?"

WAC 296-19A-193 "What are the requirements for prejob accommodations?"

WAC 296-19A-200 "How does an employer apply for job modification assistance?"

WAC 296-19A-210 "What are the qualifications to provide vocational rehabilitation services to industrially injured or ill workers?"

WAC 296-19A-230 "Why does the department audit vocational rehabilitation providers?"

WAC 296-19A-240 "What authority does the department have to audit vocational rehabilitation providers?"

WAC 296-19A-245 "What is the department's formal appeal process?"

WAC 296-19A-260 "What are the possible consequences for a provider that does not comply with the RCWs, WACs or department policies?"

WAC 296-19A-270 "In what situation(s) can the department take corrective action(s)?"

WAC 296-19A-300 "How does the department evaluate performance when a vocational rehabilitation provider does not have either a performance rating with the department or previous experience delivering services to Washington injured workers?"

WAC 296-19A-350 "What are the requirements for case notes?"

WAC 296-19A-400 "What records are vocational rehabilitation providers required to maintain?"

WAC 296-19A-440 "What elements of a vocational determination may be disputed?"

(3) All remaining sections of chapter 296-19A WAC shall remain in full force and effect.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. 03-11-009, § 296-19A-480, filed 5/12/03, effective 7/1/03; 00-18-078, § 296-19A-480, filed 9/1/00, effective 6/1/01.]

Chapter 296-20 WAC
MEDICAL AID RULES

WAC

296-20-010	General information.
296-20-01002	Definitions.
296-20-01501	Physician's assistant rules.
296-20-02010	Review of health services providers.
296-20-12501	Physician assistant billing procedure.
296-20-135	Conversion factors.
296-20-170	Pharmacy—Acceptance of rules and fees.
296-20-303	Decodified.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-20-303	Attendant services. [Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.060, 51.32.072, and 7.68.070. 01-18-041, § 296-20-303, filed 8/29/01, effective 10/1/01.] Decodified by 03-21-069, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020. Recodified as WAC 296-23-246.

WAC 296-20-010 General information. (1) The following rules are promulgated pursuant to RCW 51.04.020 and 51.04.030. The department or self-insurer may purchase necessary physician and other provider services according to the fee schedules. The fee schedules shall be established in consultation with interested persons and updated at times determined by the department in consultation with those interested persons. Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Health Services Analysis
Interested Person's Mailing List for the Fee Schedules
P.O. Box 44322
Olympia, WA 98504-4322

The department or self-insurer will require the current version of the federal Health Care Common Procedure Coding System (HCPCS) Level I (or CPT) and II codes on January 1, of each new year. CPT refers to the American Medical Association's Physicians' Current Procedural Terminology codes.

The department and self-insurer will allow a "grace period" in which codes deleted each year may be submitted for payment. This grace period will start on January 1 of each year and the length of time will be determined by department policy.

The adoption of these codes on an annual basis is designed to reduce the administrative burden on providers and lead to more accurate reporting of services. However, the inclusion of a service, product or supply within these new codes does not necessarily imply coverage, reimbursement or endorsement, by the department or self-insurer. The department will make coverage and reimbursement decisions for these new codes on an individual basis.

If there are any services, procedures or narrative text contained in the new HCPCS Level I and II codes that conflict with the medical aid rules or fee schedules, the department's rules and policies take precedence.

Copies of the HCPCS Level I and II codes are available for public inspection. These documents are available in each of the department's service locations.

Copies of the HCPCS Level II codes may be purchased from:

The Superintendent of Documents
United States Government Printing Office
Washington, DC 20402
(202) 783-3238

Copies of the Level I (or CPT) codes may be purchased from:

The American Medical Association
Chicago, Illinois 60601
(800) 621-8335

In addition to the sources listed above, both the Level I and II codes may be purchased from a variety of private sources.

(2) The fee schedules are intended to cover all services for accepted industrial insurance claims. All fees listed are the maximum fees allowable. Practitioners shall bill their usual and customary fee for services. **If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the practitioner shall bill the department or self-insurer at the lower rate.** The department or self-insurer will pay the lesser of the billed charge or the fee schedules' maximum allowable.

(3) The rules contained in the introductory section pertain to *all* practitioners regardless of specialty area or limitation of practice. Additional rules pertaining to specialty areas will be found in the appropriate section of the medical aid rules.

(4) The methodology for making conversion factor cost of living adjustments is listed in WAC 296-20-132. The conversion factors are listed in WAC 296-20-135.

(5) No fee is payable for missed appointments unless the appointment is for an examination arranged by the department or self-insurer.

(6) When a claim has been accepted by the department or self-insurer, no provider or his/her representative may bill the worker for the difference between the allowable fee and the usual and customary charge. Nor can the worker be charged a fee, either for interest or completion of forms, related to services rendered for the industrial injury or condition. Refer to chapter 51.04 RCW.

(7) Practitioners must maintain documentation in claimant medical or health care service records adequate to verify the level, type, and extent of services provided to claimants. A health care practitioner's bill for services, appointment book, accounting records, or other similar methodology do not qualify as appropriate documentation for services rendered. Refer to chapter 296-20 WAC and department policy for reporting requirements.

(8) Except as provided in WAC 296-20-055 (Limitation of treatment and temporary treatment of unrelated conditions when retarding recovery), practitioners shall bill, and the department or self-insurer shall pay, only for proper and necessary medical care required for the diagnosis and curative or rehabilitative treatment of the accepted condition.

(9) When a worker is being treated concurrently for an unrelated condition the fee allowable for the service(s) rendered must be shared proportionally between the payors.

(10) Correspondence: Correspondence pertaining to state fund and department of energy claims should be sent to: Department of Labor and Industries, Claims Administration, P.O. Box 44291, Olympia, Washington 98504-4291.

Accident reports should be sent to: Department of Labor and Industries, P.O. Box 44299, Olympia, Washington 98504-4299.

Send provider bills by type (UB-92) to: Department of Labor and Industries, P.O. Box 44266, Olympia, Washington 98504-4266.

Adjustments, Home Nursing, Retraining, Job Modification, and Miscellaneous to: Department of Labor and Industries, P.O. Box 44267, Olympia, Washington 98504-4267.

Pharmacy to: Department of Labor and Industries, P.O. Box 44268, Olympia, Washington 98504-4268.

HCFA-1500 to: Department of Labor and Industries, P.O. Box 44269, Olympia, Washington 98504-4269.

State fund claims have six digit numbers preceded by a letter other than "S," "T," or "W."

All correspondence and billings pertaining to *crime victims* claims should be sent to Crime Victims Division, Department of Labor and Industries, P.O. Box 44520, Olympia, Washington 98504-4520.

Crime victim claims have six digit numbers preceded by a "V" or five digit numbers preceded by "VA," "VB," "VC," "VH," "VJ," or "VK."

All correspondence and billings pertaining to self-insured claims should be sent directly to the employer or the service representative as the case may be.

Self-insured claims are six digit numbers preceded by an "S," "T," or "W."

Communications to the department or self-insurer must show the patient's full name and claim number. If the claim number is unavailable, providers should contact the department or self-insurer for the number, indicating the patient's name, Social Security number, the date and the nature of the injury, and the employer's name. A communication should refer to one claim only. Correspondence must be legible and reproducible, as department records are microfilmed. Correspondence regarding specific claim matters should be sent directly to the department in Olympia or self-insurer in order to avoid rehandling by the service location.

(11) The department's various local service locations should be utilized by providers to obtain information, supplies, or assistance in dealing with matters pertaining to industrial injuries.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-20-010, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 96-10-086, § 296-20-010, filed 5/1/96, effective 7/1/96. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-14-044, § 296-20-010, filed 6/29/94, effective 7/30/94; 93-16-072, § 296-20-010, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 92-24-066, § 296-20-010, filed 12/1/92, effective 1/1/93; 90-04-057, § 296-20-010, filed 2/2/90, effective 3/5/90; 87-24-050 (Order 87-23), § 296-20-010, filed 11/30/87, effective 1/1/88; 86-20-074 (Order 86-36), § 296-20-010, filed 10/1/86, effective 11/1/86; 86-06-032 (Order 86-19), § 296-20-010, filed 2/28/86, effective 4/1/86; 83-16-066 (Order 83-23), § 296-20-010, filed 8/2/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 81-24-041 (Order 81-28), § 296-20-010, filed 11/30/81, effective 1/1/82; 81-01-100 (Order 80-29), § 296-20-010, filed 12/23/80, effective 3/1/81; Order 76-34, § 296-20-010, filed 11/24/76, effective 1/1/77; Order 75-39, § 296-20-010, filed 11/28/75, effective 1/1/76; Order 74-7, § 296-20-010, filed 1/30/74; Order 70-12, § 296-20-010, filed 12/1/70, effective 1/1/71; Order 68-7, § 296-20-010, filed 11/27/68, effective 1/1/69.]

WAC 296-20-01002 Definitions. Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Attendant care: Those proper and necessary personal care services provided to maintain the worker in his or her residence. Refer to WAC 296-20-303 for more information.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

(1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.

(2) Their relationship, if any, to the industrial injury or exposure.

(3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.

(4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.

(5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical

capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Authorization: Notification by a qualified representative of the department or self-insurer that specific proper and necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

By report: BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(1) Diagnosis;

(2) Size, location and number of lesion(s) or procedure(s) where appropriate;

(3) Surgical procedure(s) and supplementary procedure(s);

(4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;

(5) Estimated follow-up;

(6) Operative time;

(7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include, but are not limited to:

(1) Date(s) of service;

(2) Patient's name and date of birth;

(3) Claim number;

(4) Name and title of the person performing the service;

(5) Chief complaint or reason for each visit;

(6) Pertinent medical history;

(7) Pertinent findings on examination;

(8) Medications and/or equipment/supplies prescribed or provided;

(9) Description of treatment (when applicable);

(10) Recommendations for additional treatments, procedures, or consultations;

(11) X rays, tests, and results; and

(12) Plan of treatment/care/outcome.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

(1) A detailed history to establish:

(a) The type and severity of the industrial injury or occupational disease.

(b) The patient's previous physical and mental health.

(c) Any social and emotional factors which may effect recovery.

(2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.

(3) A detailed physical examination concerning all systems affected by the industrial accident.

(4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.

(5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:

(a) Due solely to injury.

(b) Preexisting condition aggravated by the injury and the extent of aggravation.

(c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.

(d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).

(6) Conclusions must include:

(a) Type of treatment recommended for each pathological condition and the probable duration of treatment.

(b) Expected degree of recovery from the industrial condition.

(c) Probability, if any, of permanent disability resulting from the industrial condition.

(d) Probability of returning to work.

(7) Reports of necessary, reasonable X-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine

and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and certify time loss compensation except as provided in chapter 296-20 WAC.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to, the following:

(a) Health Care Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.

(b) Codes, descriptions and modifiers developed by the department.

(c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.

(d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.

(e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Home nursing: Those nursing services that are proper and necessary to maintain the worker in his or her residence. These services must be provided through an agency licensed, certified or registered to provide home care, home health or hospice services. Refer to WAC 296-20-091 for more information.

Independent or separate procedure: Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Proper and necessary:

(1) The department or self-insurer pays for proper and necessary health care services that are related to the diagnosis and treatment of an accepted condition.

(2) Under the Industrial Insurance Act, "proper and necessary" refers to those health care services which are:

(a) Reflective of accepted standards of good practice, within the scope of practice of the provider's license or certification;

(b) Curative or rehabilitative. Care must be of a type to cure the effects of a work-related injury or illness, or it must be rehabilitative. Curative treatment produces permanent changes, which eliminate or lessen the clinical effects of an accepted condition. Rehabilitative treatment allows an injured or ill worker to regain functional activity in the presence of an interfering accepted condition. Curative and rehabilitative care produce long-term changes;

(c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and

(d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

(3) The department or self-insurer stops payment for health care services once a worker reaches a state of maxi-

mum medical improvement. Maximum medical improvement occurs when no fundamental or marked change in an accepted condition can be expected, with or without treatment. Maximum medical improvement may be present though there may be fluctuations in levels of pain and function. A worker's condition may have reached maximum medical improvement though it might be expected to improve or deteriorate with the passage of time. Once a worker's condition has reached maximum medical improvement, treatment that results only in temporary or transient changes is not proper and necessary. "Maximum medical improvement" is equivalent to "fixed and stable."

(4) In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered proper and necessary. Services that are controversial, obsolete, investigational or experimental are presumed not to be proper and necessary, and shall be authorized only as provided in WAC 296-20-03002(6) and 296-20-02850.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to a lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary. **All time loss compensation must be certified by the attending doctor based on objective findings.**

Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

Utilization review: The assessment of a claimant's medical care to assure that it is proper and necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-20-01002, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.010, 51.04.020, 51.04.030, 51.32.080, 51.32.110, 51.32.112, 51.36.060. 02-21-105, § 296-20-01002, filed 10/22/02, effective 12/1/02. Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.060, 51.32.072, and 7.68.070. 01-18-041, § 296-20-01002, filed 8/29/01, effective 10/1/01. Statutory Authority: RCW 51.04.020 and 51.04.030. 00-01-039, § 296-20-01002, filed 12/7/99, effective 1/8/00. Statutory Authority: RCW 51.04.030, 70.14.050 and 51.04.020(4). 95-16-031, § 296-20-01002, filed 7/21/95, effective 8/22/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 93-16-072, § 296-20-01002, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 92-24-066, § 296-20-01002, filed 12/1/92, effective 1/1/93; 92-05-041, § 296-20-01002, filed 2/13/92, effective 3/15/92. Statutory Authority: RCW 51.04.020. 90-14-009, § 296-20-01002, filed 6/25/90, effective 8/1/90. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-04-057, § 296-20-01002, filed 2/2/90, effective 3/5/90; 87-24-050 (Order 87-23), § 296-20-01002, filed 11/30/87, effective 1/1/88; 86-20-074 (Order 86-36), § 296-20-01002, filed 10/1/86, effective 11/1/86; 83-24-016 (Order 83-35), § 296-20-01002, filed 11/30/83, effective 1/1/84; 83-16-066 (Order 83-23), § 296-20-01002, filed 8/2/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 81-24-041 (Order 81-28), § 296-20-01002, filed 11/30/81, effective 1/1/82; 81-01-100 (Order 80-29), § 296-20-01002, filed 12/23/80, effective 3/1/81.]

WAC 296-20-01501 Physician's assistant rules. (1) Physicians' assistants may perform only those medical services in industrial injury cases, for which the physician's assistant is trained and licensed, under the control and supervision of a licensed physician. Such control and supervision shall not be construed to require the personal presence of the supervising physician.

(2) Physicians' assistants may perform those medical services which are within the scope of their physician's assistant license for industrial injury cases within the limitations of subsection (3) of this section.

(3) Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the physician's assistant must:

(a) Provide the department with a copy of his/her license.

(b) Provide the name and address and specialty of the supervising physician.

(c) Provide the department with the evidence of a reliable and rapid system of communication with the supervising physician.

(4) Physicians' assistants may prepare report of accident, time loss compensation certification, and progress reports for the supervising physician's signature. Physicians' assistants cannot submit such information under his/her signature.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-20-01501, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 93-16-072, § 296-20-01501, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 81-24-041 (Order 81-28), § 296-20-01501, filed 11/30/81, effective 1/1/82; 81-01-100 (Order 80-29), § 296-20-01501, filed 12/23/80, effective 3/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-20-01501, filed 11/30/79, effective 1/1/80.]

WAC 296-20-02010 Review of health services providers. (1) The department may review providers' patient and billing related records to ensure workers are receiving proper and necessary medical care and to ensure providers' compliance with the department's medical aid rules, fee schedules, and policies. A records review may be the basis for corrective action against the provider.

(2) The department may review records before, during, or after delivery of health services. Records reviews may be for cause or at random and may include the utilization of statistical sampling methodologies and projections based upon sample findings. Records reviews may be conducted at or away from the provider's places of business, at the department's discretion.

(3) The department will give ten working days' written notification to any provider that the provider's patient and billing related records will be reviewed by an auditor at the provider's place(s) of business to determine compliance with medical aid rules and standards.

(4) The department may request legible copies of providers' records. Providers shall furnish copies of the requested records within thirty calendar days of receipt of the request.

(5) The department will not remove original records from provider's premises.

(6) For information regarding the formal appeals process refer to chapter 51.52 RCW.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-20-02010, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 90-04-057, § 296-20-02010, filed 2/2/90, effective 3/5/90; 86-20-074 (Order 86-36), § 296-20-02010, filed 10/1/86, effective 11/1/86.]

WAC 296-20-12501 Physician assistant billing procedure. Billing for physician assistant services will be paid at ninety percent of the value listed in the fee schedules. Payment will be made directly to the supervising physician.

(1) Bills must be itemized on department or self-insurer forms, as the case may be, specifying: The date, type of service and the charges for each service.

(2) The bill form must be completed in detail to include the claim number. All bills must be submitted under the physician assistant's account number. Bills will be accepted when signed by other than the practitioner rendering services. When bills are prepared by someone else, the responsibility for the completeness and accuracy of the description of services and charges rests with the supervising physician.

(3) For a bill to be considered for payment, it must be received in the department or by the self-insurer within one year from the date each specific treatment and/or service was rendered or performed. Whenever possible, bills should be submitted monthly.

(4) Bills cannot be paid for services rendered while a claim is closed.

(5) The department or self-insurer may deny payment of bills for services rendered in violation of the medical aid rules or department policy. Workers may not be billed for services rendered in violation of these rules.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-20-12501, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020, 51.04.-030 and 1993 c 159. 93-16-072, § 296-20-12501, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-20-12501, filed 11/30/79, effective 1/1/80.]

WAC 296-20-135 Conversion factors. (1) Conversion factors are used to calculate payment levels for services reimbursed under the Washington resource based relative value scale (RBRVS), and for anesthesia services payable with base and time units.

(2) **Washington RBRVS** services have a conversion factor of $50.58. The fee schedules list the reimbursement levels for these services.

(3) **Anesthesia services** that are paid with base and time units have a conversion factor of $2.80 per minute, which is equivalent to $42.00 per 15 minutes. The base units and payment policies can be found in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. 03-14-043, § 296-20-135, filed 6/24/03, effective 8/1/03; 02-10-129, § 296-20-135, filed 5/1/02, effective 7/1/02; 01-10-026, § 296-20-135, filed 4/24/01, effective 7/1/01; 00-09-077, § 296-20-135, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 99-10-043, § 296-20-135, filed 4/30/99, effective 7/1/99; 98-09-125, § 296-20-135, filed 4/22/98, effective 7/1/98; 97-10-017, § 296-20-135, filed 4/28/97, effective 7/1/97. Statutory Authority: RCW 51.04.020 and 51.04.030. 96-19-060. §296-20-135, filed 9/16/96, effective 10/17/96; 96-10-086, § 296-20-135, filed 5/1/96, effective 7/1/96; 95-17-001 § 296-20-135, filed 8/2/95, effective 10/1/95; 95-05-072, § 296-20-135, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-02-045 and 94-03-008, § 296-20-135, filed 12/30/93 and 1/6/94, effective 3/1/94; 93-16-072, § 296-20-135, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 91-02-063, § 296-20-135, filed 12/28/90, effective 1/28/91; 88-24-011 (Order 88-28), § 296-20-135, filed 12/1/88, effective 1/1/89; 87-03-004 (Order 86-45), § 296-20-135, filed 1/8/87; 83-24-016 (Order 83-35), § 296-20-135, filed 11/30/83, effective 1/1/84; 82-24-050 (Order 82-39), § 296-20-135, filed 11/29/82, effective 7/1/83. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 81-24-041 (Order 81-28), § 296-20-135, filed 11/30/81, effective 1/1/82; 80-18-033 (Order 80-24), § 296-20-135, filed 12/1/80, effective 1/1/81. Statutory Authority: RCW 51.04.030 and 51.16.035. 79-12-086 (Order 79-18), § 296-20-135, filed 11/30/79, effective 1/1/80; Order 77-27, § 296-20-135, filed 11/30/77, effective 1/1/78; Order 76-34, § 296-20-135, filed 11/24/76, effective 1/1/77; Order 75-39, § 296-20-135, filed 11/28/75, effective 1/1/76; Order 74-7, § 296-20-135, filed 1/30/74; Order 71-6, § 296-20-135, filed 6/1/71; Order 68-7, § 296-20-135, filed 11/27/68, effective 1/1/69.]

WAC 296-20-170 Pharmacy—Acceptance of rules and fees. Acceptance and filling of a prescription for a worker entitled to benefits under the industrial insurance law, constitutes acceptance of the department's rules and fees. When there is questionable eligibility, (i.e., no claim number, prescription is for medication other than usually prescribed for industrial injury; or pharmacist has reason to believe claim is closed or rejected), the pharmacist may require the worker to pay for the prescription. In these cases, the pharmacist must furnish the worker with a signed receipt and a nonnegotiable copy of the prescription including national drug code and quantity or a completed department pharmacy bill form signed in the appropriate areas verifying worker has paid for the prescribed item(s) in order for the worker to bill the department or self-insurer for reimbursement. The worker may not be charged more than the amount allowable by the department or self-insurer. The worker must submit such reimbursement request within one year of the date of service.

See WAC 296-20-020 for details on providing a refund.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-20-170, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020, 51.04.-030 and 1993 c 159. 93-16-072, § 296-20-170, filed 8/1/93, effective 9/1/93. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 86-06-032 (Order 86-19), § 296-20-170, filed 2/28/86, effective 4/1/86. Statutory Authority: RCW 51.04.020(4), 51.04.030, and 51.16.120(3). 80-18-033 (Order 80-24),

§ 296-20-170, filed 12/1/80, effective 1/1/81; Order 76-34, § 296-20-170, filed 11/24/76, effective 1/1/77.]

WAC 296-20-303 Decodified. See Disposition Table at beginning of this chapter.

Chapter 296-23 WAC

RADIOLOGY, RADIATION THERAPY, NUCLEAR MEDICINE, PATHOLOGY, HOSPITAL, CHIROPRACTIC, PHYSICAL THERAPY, DRUGLESS THERAPEUTICS AND NURSING—DRUGLESS THERAPEUTICS, ETC.

WAC

296-23-220 Physical therapy rules.
296-23-230 Occupational therapy rules.
296-23-240 Licensed nursing rules.
296-23-246 Attendant services.

WAC 296-23-220 Physical therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 regarding the use of conversion factors.

All supplies and materials must be billed using HCPCS Level II codes. Refer to chapter 296-21 WAC for additional information. HCPCS codes are listed in the fee schedules.

Refer to chapter 296-20 WAC (WAC 296-20-125) and to the department's billing instructions for additional information.

Physical therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed physical therapist or a physical therapist assistant serving under the direction of a licensed physical therapist. Doctors rendering physical therapy should refer to WAC 296-21-290.

The department or self-insurer will review the quality and medical necessity of physical therapy services provided to workers. Practitioners should refer to WAC 296-20-01002 for the department's rules regarding medical necessity and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department or self-insurer will pay for a maximum of one physical therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or $103.65 whichever is less. These limits will not apply to physical therapy that is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for physical therapists who render care to workers.

Use of diapulse or similar machines on workers is not authorized. See WAC 296-20-03002 for further information.

A physical therapy progress report must be submitted to the attending doctor and the department or the self-insurer following twelve treatment visits or one month, whichever occurs first. Physical therapy treatment beyond initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

Physical therapy services rendered in the home and/or places other than the practitioner's usual and customary office, clinic, or business facilities will be allowed only upon prior authorization by the department or self-insurer.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Biofeedback treatment may be rendered on doctor's orders only. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of a licensed physical therapist. See chapter 296-21 WAC for rules pertaining to conditions authorized and report requirements.

Billing codes and reimbursement levels are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. 03-14-043, § 296-23-220, filed 6/24/03, effective 8/1/03; 02-10-129, § 296-23-220, filed 5/1/02, effective 7/1/02; 01-10-026, § 296-23-220, filed 4/24/01, effective 7/1/01; 00-09-077, § 296-23-220, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 99-10-043, § 296-23-220, filed 4/30/99, effective 7/1/99; 98-09-125, § 296-23-220, filed 4/22/98, effective 7/1/98; 97-10-017, § 296-23-220, filed 4/28/97, effective 7/1/97; 96-10-086, § 296-23-220, filed 5/1/96, effective 7/1/96; 95-05-072, § 296-23-220, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-02-045, § 296-23-220, filed 12/30/93, effective 3/1/94; 93-16-072, § 296-23-220, filed 8/1/93, effective 9/1/93.]

WAC 296-23-230 Occupational therapy rules. Practitioners should refer to WAC 296-20-010 through 296-20-125 for general information and rules pertaining to the care of workers.

Refer to WAC 296-20-132 and 296-20-135 for information regarding the conversion factors.

All supplies and materials must be billed using HCPCS Level II codes, refer to the department's billing instructions for additional information.

Occupational therapy treatment will be reimbursed only when ordered by the worker's attending doctor and rendered by a licensed occupational therapist or an occupational therapist assistant serving under the direction of a licensed occupational therapist. Vocational counselors assigned to injured workers by the department or self-insurer may request an occupational therapy evaluation. However, occupational therapy treatment must be ordered by the worker's attending doctor.

An occupational therapy progress report must be submitted to the attending doctor and the department or self-insurer following twelve treatment visits or one month, whichever occurs first. Occupational therapy treatment beyond the initial twelve treatments will be authorized only upon substantiation of improvement in the worker's condition. An outline of the proposed treatment program, the expected restoration goals, and the expected length of treatment will be required.

The department or self-insurer will review the quality and medical necessity of occupational therapy services. Practitioners should refer to WAC 296-20-01002 for the department's definition of medically necessary and to WAC 296-20-024 for the department's rules regarding utilization review and quality assurance.

The department will pay for a maximum of one occupational therapy visit per day. When multiple treatments (different billing codes) are performed on one day, the department or self-insurer will pay either the sum of the individual fee maximums, the provider's usual and customary charge, or $103.65 whichever is less. These limits will not apply to occupational therapy which is rendered as part of a physical capacities evaluation, work hardening program, or pain management program, provided a qualified representative of the department or self-insurer has authorized the service.

The department will publish specific billing instructions, utilization review guidelines, and reporting requirements for occupational therapists who render care to workers.

Occupational therapy services rendered in the worker's home and/or places other than the practitioner's usual and customary office, clinic, or business facility will be allowed only upon prior authorization by the department or self-insurer.

No inpatient occupational therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-030 for further information.

The department may discount maximum fees for treatment performed on a group basis in cases where the treatment provided consists of a nonindividualized course of therapy (e.g., pool therapy; group aerobics; and back classes).

Billing codes, reimbursement levels, and supporting policies for occupational therapy services are listed in the fee schedules.

[Statutory Authority: RCW 51.04.020(1) and 51.04.030. 03-14-043, § 296-23-230, filed 6/24/03, effective 8/1/03; 02-10-129, § 296-23-230, filed 5/1/02, effective 7/1/02; 01-10-026, § 296-23-230, filed 4/24/01, effective 7/1/01; 00-09-077, § 296-23-230, filed 4/18/00, effective 7/1/00. Statutory Authority: RCW 51.04.020(4) and 51.04.030. 99-10-043, § 296-23-230, filed 4/30/99, effective 7/1/99; 98-09-125, § 296-23-230, filed 4/22/98, effective 7/1/98; 97-10-017, § 296-23-230, filed 4/28/97, effective 7/1/97; 96-10-086, § 296-23-230, filed 5/1/96, effective 7/1/96; 95-05-072, § 296-23-230, filed 2/15/95, effective 3/18/95. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 94-02-045, § 296-23-230, filed 12/30/93, effective 3/1/94; 93-16-072, § 296-23-230, filed 8/1/93, effective 9/1/93.]

WAC 296-23-240 Licensed nursing rules. (1) Registered nurses and licensed practical nurses may perform private duty nursing care in industrial injury cases when the attending physician deems this care necessary. Registered nurses may be reimbursed for services as outlined by department policy. (See chapter 296-20 WAC for home nursing rules.)

(2) Advanced registered nurse practitioners (ARNPs) may perform advanced and specialized levels of nursing care on a fee for service basis in industrial injury cases within the limitations of this section. ARNPs may be reimbursed for services as outlined by department policy.

(3) In order to treat workers under the Industrial Insurance Act, the advanced registered nurse practitioner must be:

(a) Recognized by the Washington state board of nursing or other government agency as an advanced registered nurse practitioner (ARNP). For out-of-state nurses an equivalent title and training may be approved at the department's discretion.

(b) Capable of providing the department with evidence and documentation of a reliable and rapid system of obtaining physician consultations.

(4) Billing procedures outlined in the medical aid rules and fee schedules apply to all nurses.

(5) Advanced registered nurse practitioners cannot sign accident report forms or certify time loss compensation.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-23-240, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020, 51.04.030 and 1993 c 159. 93-16-072, § 296-23-240, filed 8/1/93, effective 9/1/93.]

WAC 296-23-246 Attendant services. (1) **What are attendant services?** Attendant services are proper and necessary personal care services provided to maintain the injured worker in his or her residence.

(2) **Who may receive attendant services?** Workers who are temporarily or permanently totally disabled and rendered physically helpless by the nature of their industrial injury or occupational disease may receive attendant services.

(3) **Is prior authorization required for attendant services?** Yes. To be covered by the department, attendant services must be requested by the attending physician and authorized by the department before care begins.

(4) **What attendant services does the department cover?** The department covers proper and necessary attendant services that are provided consistent with the injured worker's needs, abilities and safety. Only attendant services that are necessary due to the physical restrictions caused by the accepted industrial injury or occupational disease are covered.

The following are examples of attendant services that may be covered:

- Bathing and personal hygiene;
- Dressing;
- Administration of medications;
- Specialized skin care, including changing or caring for dressings or ostomies;
- Tube feeding;
- Feeding assistance (not meal preparation);
- Mobility assistance, including walking, toileting and other transfers;
- Turning and positioning;
- Bowel and incontinent care; and
- Assistance with basic range of motion exercises.

Services the department considers everyday environmental needs, unrelated to the medical care of the worker are not covered. The following chore services are examples of services that are not covered: Housecleaning, laundry, shopping, meal planning and preparation, transportation of the injured worker, errands for the injured worker, recreational activities, yard work, and child care.

(5) **Who may provide attendant services?** Attendant services provided on or after June 1, 2002, must be provided

through an agency licensed, certified or registered to provide home care or home health services.

EXCEPTION: A worker who received department approved attendant services from a spouse prior to October 1, 2001, may continue to receive attendant services from that spouse as long as all of the following criteria are met.
The attendant service spouse provider:
(a) Had an active provider account with the department on September 30, 2001; and
(b) Maintains an active provider account with the department; and
(c) Remains legally married to the injured worker; and
(d) Allows the department or its designee to perform periodic independent nursing evaluations in the worker's residence.

(6) **What are the treatment limits for attendant services?** The department will determine the maximum hours of authorized attendant care services based on an independent nursing assessment of the worker's care needs.

Spouses eligible to provide attendant services are limited to a maximum of seventy hours of attendant services per week or to the maximum hours authorized for the worker, whichever is less. Workers who are receiving attendant services from spouses and whose care needs exceed seventy hours per week must receive attendant services in excess of seventy hours from an agency eligible to provide attendant services.

EXCEPTION: The department may exempt a spouse from the seventy-hour limit if, after review by the department and based on independent nursing assessment:
(a) The injured worker is receiving proper and necessary care; and
(b) The worker's care needs exceed seventy hours per week; and
(c) No eligible agency provider is available.

(7) **Will the department review attendant services?** Yes. The department or its designee will perform periodic independent nursing evaluations of attendant services. Evaluations may include, but are not limited to, on-site review of the injured worker and review of medical records.

[Statutory Authority: RCW 51.04.020. 03-21-069, recodified as § 296-23-246, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.060, 51.32.072, and 7.68.070. 01-18-041, § 296-20-303, filed 8/29/01, effective 10/1/01.]

Chapter 296-23A WAC
HOSPITALS

WAC

296-23A-0710 Definitions.

WAC 296-23A-0710 Definitions. "Alternate outpatient payment." A payment for proper and necessary services calculated using a method other than the APC method, such as the outpatient hospital rate or fee schedule.

"Ambulatory payment classification (APC) bill." An outpatient bill for hospital services that are grouped and paid using APCs.

"Ambulatory payment classification (APC) weight." The relative value assigned to each APC by CMS. For information on calculating the APC weights, please see 42 CFR, Chapter IV, Part 419, et al. Medicare Program; Prospective Payment System for Hospital Outpatient Services.

"Ambulatory payment classification (APC)." A grouping for outpatient visits which are similar both clinically and in the resources used.

"Ambulatory surgery centers (ASCs)." Ambulatory surgery centers as defined by the department. ASCs are excluded from the APC payment system.

"Blended rate." The dollar amount used to determine APC payments.

"Bundling." Including the costs of supplies and certain other items with the costs of APCs. Bundled services will not be paid separately.

"Cancer hospitals." Freestanding hospitals specializing in the treatment of individuals who have a neoplasm diagnosis.

"Children's hospitals." Freestanding hospitals specializing in the treatment of individuals less than fourteen years of age.

"CMS." Centers for Medicare and Medicaid Services, formerly the Health Care Financing Administration (HCFA).

"Correct coding initiative." A process to encourage hospitals to code the most appropriate diagnosis and procedure for the services rendered.

"Critical access hospitals." Critical access hospitals as defined by the department of health.

"Current procedural terminology (CPT)." A systematic listing of descriptive terms and identifying codes for reporting medical services, procedures, interventions performed by physicians; the American Medical Association (AMA) publishes it annually.

"Discount factor." The percentage applied to additional significant procedures when a claim has multiple significant procedures or when the same procedure is performed multiple times.

"Exempt services." Services and hospitals that have been identified by CMS and/or L&I as exempt from the APC-based payment system.

"Health care common procedure coding system (HCPCS)." Medicare's procedure coding system, which consists of Level 1 CPT Codes, Level 2 National Codes, and Level 3 Local Codes.

"Incidental services." Proper and necessary services that are integral to the delivery of the significant procedure or medical visit and are not separately reimbursable.

"Inpatient only procedures." Certain procedures designated by CMS as being of sufficient resource intensity that an inpatient setting is always required.

"Modifier." A two-digit alphabetic and/or numeric identifier that is added to the procedure code to indicate the type of service performed. Modifiers add clarification to procedures and can affect payment. Modifiers are listed in the current CPT and HCPCS manuals.

"Non-APC services." Services specifically excluded by CMS or by L&I from APC payment.

"Out-of-state hospitals." Any hospital not physically located within the state of Washington.

"Outpatient code editor." A prepayment analysis program designed to exclude certain diagnostic and procedure codes from being classified within the APC payment system.

"Outpatient prospective payment system (OPPS)." A payment system that groups hospital outpatient visits into

APCs and multiplies the relative weight factor by the OPPS conversion rate to determine the appropriate payment.

"Outpatient services." Proper and necessary healthcare services and treatment ordinarily furnished by a hospital in which the injured worker is not admitted as an inpatient.

"Outpatient." A patient who receives proper and necessary healthcare services or supplies in a hospital-type setting but is not admitted as an inpatient.

"Partial hospitalization." Mental health services provided in an inpatient setting without the traditional inpatient overnight stay.

"Pediatric services." Proper and necessary healthcare services and treatment ordinarily furnished by a hospital in which the injured worker is under the age of fourteen.

"Peer group." Categories of hospitals adopted by the department of health for rate setting purposes. The categories are:

• Group 1 - Usually rural hospitals.

• Group 2 - Usually urban hospitals without a medical education program.

• Group 3 - Hospitals with a medical education program.

"Psychiatric hospitals." Freestanding hospitals specializing in the treatment of individuals with a mental health disease.

"Rehabilitation hospitals." Freestanding hospitals specializing in the treatment of individuals in need of rehabilitative services.

"Related encounters or related services." Multiple encounters which are:

• Provided within the same window of service; and

• By the same provider (hospital).

"Single visit." A single visit includes all related services that are combined for reimbursement when they occur with the same hospital during the window of service.

"Special programs." Programs specifically designated by the department.

"Transitional pass-through." Certain drugs, devices and biologicals, as identified by CMS that are entitled to a specified payment until CMS assigns and reimburses them under their own APC.

"Window of service." A single date of service. All services associated with the visit for that date constitute a single visit, even when those services are provided on different days.

[Statutory Authority: RCW 51.04.020. 03-21-069, § 296-23A-0710, filed 10/14/03, effective 12/1/03. Statutory Authority: RCW 51.04.020, 51.04.030, 51.36.080, 51.36.085. 01-24-045, § 296-23A-0710, filed 11/29/01, effective 1/1/02.]

Chapter 296-24 WAC

GENERAL SAFETY AND HEALTH STANDARDS

WAC

296-24-120 Sanitation.
296-24-12001 Repealed.
296-24-12002 Repealed.
296-24-12010 Repealed.
296-24-12011 Repealed.
296-24-12017 Repealed.
296-24-650 Repealed.
296-24-65003 Repealed.
296-24-65005 Repealed.
296-24-65007 Repealed.
296-24-655 Repealed.
296-24-65501 Repealed.
296-24-657 Repealed.
296-24-65701 Repealed.
296-24-65703 Repealed.
296-24-660 Repealed.
296-24-66001 Repealed.
296-24-66003 Repealed.
296-24-66005 Repealed.
296-24-66007 Repealed.
296-24-66009 Repealed.
296-24-66011 Repealed.
296-24-663 Repealed.
296-24-66301 Repealed.
296-24-66303 Repealed.
296-24-66305 Repealed.
296-24-66307 Repealed.
296-24-66309 Repealed.
296-24-66311 Repealed.
296-24-66313 Repealed.
296-24-66315 Repealed.
296-24-66317 Repealed.
296-24-66319 Repealed.
296-24-66321 Repealed.
296-24-665 Repealed.
296-24-66501 Repealed.
296-24-66503 Repealed.
296-24-66505 Repealed.
296-24-66507 Repealed.
296-24-66509 Repealed.
296-24-670 Repealed.
296-24-67001 Repealed.
296-24-67003 Repealed.
296-24-67005 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-24-12001 Scope. [Statutory Authority: RCW 49.17.010, [49.17].-040, and [49.17].050. 01-11-038, § 296-24-12001, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 95-22-015, § 296-24-12001, filed 10/20/95, effective 1/16/96. Statutory Authority: Chapter 49.17 RCW. 94-06-068 (Order 93-17), § 296-24-12001, filed 3/2/94, effective 3/1/95; Order 74-27, § 296-24-12001, filed 5/7/74; Order 73-5, § 296-24-12001, filed 5/9/73 and Order 73-4, § 296-24-12001, filed 5/7/73.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-800 WAC.

296-24-12002 Definitions. [Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-17-094, § 296-24-12002, filed 8/17/99, effective 12/1/99. Statutory Authority: Chapter 49.17 RCW. 91-11-070 (Order 91-01), § 296-24-12002, filed 5/20/91, effective 6/20/91; Order 74-27, § 296-24-12002, filed 5/7/74.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-800 WAC.

296-24-12010 Showers. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-24-12010, filed 5/9/01, effective 9/1/01.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-800 WAC.

296-24-12011 Change rooms. [Order 74-27, § 296-24-12011, filed 5/7/74; Order 73-5, § 296-24-12011, filed 5/9/73 and Order 73-4, § 296-24-12011, filed 5/7/73.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-800 WAC.

296-24-12017 Consumption of food and beverages on the premises. [Order 76-6, § 296-24-12017, filed 3/1/76; Order 74-27, § 296-24-12017, filed 5/7/74.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-800 WAC.

296-24-650 Hand and portable powered tools and equipment—General. [Order 73-5, § 296-24-650, filed 5/9/73 and Order 73-4, § 296-24-650, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority:

RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].-060. Later promulgation, see chapter 296-807 WAC.

296-24-65003 Compressed air used for cleaning. [Order 73-5, § 296-24-65003, filed 5/9/73 and Order 73-4, § 296-24-65003, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-65005 Compressed air tools. [Order 73-5, § 296-24-65005, filed 5/9/73 and Order 73-4, § 296-24-65005, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-65007 Air hammer. [Order 73-5, § 296-24-65007, filed 5/9/73 and Order 73-4, § 296-24-65007, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-655 Guarding of portable powered tools. [Order 73-5, § 296-24-655, filed 5/9/73 and Order 73-4, § 296-24-655, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-65501 Portable powered tools. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-24-65501, filed 5/9/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-65501, filed 7/20/94, effective 9/20/94; 91-24-017 (Order 91-07), § 296-24-65501, filed 11/22/91, effective 12/24/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 43.22 and 42.30 RCW. 80-17-015 (Order 80-21), § 296-24-65501, filed 11/13/80; Order 74-27, § 296-24-65501, filed 5/7/74; Order 73-5, § 296-24-65501, filed 5/9/73 and Order 73-4, § 296-24-65501, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-657 Pneumatic powered tools and hose. [Order 73-5, § 296-24-657, filed 5/9/73 and Order 73-4, § 296-24-657, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-65701 Portable tools. [Order 73-5, § 296-24-65701, filed 5/9/73 and Order 73-4, § 296-24-65701, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-65703 Airhose. [Order 73-5, § 296-24-65703, filed 5/9/73 and Order 73-4, § 296-24-65703, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-660 Portable abrasive wheels. [Order 73-5, § 296-24-660, filed 5/9/73 and Order 73-4, § 296-24-660, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66001 Abrasive wheel terms. [Order 73-5, § 296-24-66001, filed 5/9/73 and Order 73-4, § 296-24-66001, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66003 General requirements. [Order 74-27, § 296-24-66003, filed 5/7/74; Order 73-5, § 296-24-66003, filed 5/9/73 and Order 73-4, § 296-24-66003, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66005 Cup wheels. [Order 73-5, § 296-24-66005, filed 5/9/73 and Order 73-4, § 296-24-66005, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66007 Vertical portable grinders. [Order 73-5, § 296-24-66007, filed 5/9/73 and Order 73-4, § 296-24-66007, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66009 Other portable grinders. [Order 73-5, § 296-24-66009, filed 5/9/73 and Order 73-4, § 296-24-66009, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66011 Mounting and inspection of abrasive wheels. [Order 74-27, § 296-24-66011, filed 5/7/74; Order 73-5, § 296-24-66011, filed 5/9/73 and Order 73-4, § 296-24-66011, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-663 Safety requirements for powder actuated fastening systems. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-663, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66301 Scope. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66301, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].-060. Later promulgation, see chapter 296-807 WAC.

296-24-66303 Purpose. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66303, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].-060. Later promulgation, see chapter 296-807 WAC.

296-24-66305 Definitions applicable to this section. [Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-66305, filed 7/20/94, effective 9/20/94. Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66305, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66307 Requirements. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66307, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].-060. Later promulgation, see chapter 296-807 WAC.

296-24-66309 Power loads. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66309, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].-060. Later promulgation, see chapter 296-807 WAC.

296-24-66311 Fasteners. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66311, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].-060. Later promulgation, see chapter 296-807 WAC.

296-24-66313 Operation. [Statutory Authority: Chapter 49.17 RCW. 89-11-035 (Order 89-03), § 296-24-66313, filed 5/15/89, effective 6/30/89. Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66313, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66315 Limitations of use. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66315, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66317 Maintenance and storage. [Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66317, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66319 Authorized instructor. [Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-66319, filed 7/20/94, effective 9/20/94. Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66319, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66321 Qualified operator. [Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-66321, filed 7/20/94, effective 9/20/94. Statutory Authority: RCW 49.17.040, 49.17.150, and 49.17.240. 79-08-115 (Order 79-9), § 296-24-66321, filed 7/31/79.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-665 Power lawnmowers. [Order 73-5, § 296-24-665, filed 5/9/73 and Order 73-4, § 296-24-665, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66501 Terms. [Order 73-5, § 296-24-66501, filed 5/9/73 and Order 73-4, § 296-24-66501, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66503 General requirements. [Order 76-6, § 296-24-66503, filed 3/1/76; Order 73-5, § 296-24-66503, filed 5/9/73 and Order 73-4, § 296-24-66503, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66505 Walk-behind and riding rotary mowers. [Order 74-27, § 296-24-66505, filed 5/7/74; Order 73-5, § 296-24-66505, filed 5/9/73 and Order 73-4, § 296-24-66505, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66507 Walk-behind rotary mowers. [Order 74-27, § 296-24-66507, filed 5/7/74; Order 73-5, § 296-24-66507, filed 5/9/73 and Order 73-4, § 296-24-66507, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-66509 Riding rotary mowers. [Order 74-27, § 296-24-66509, filed 5/7/74; Order 73-5, § 296-24-66509, filed 5/9/73 and Order 73-4, § 296-24-66509, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-670 Jacks. [Order 73-5, § 296-24-670, filed 5/9/73 and Order 73-4, § 296-24-670, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-67001 Jack terms. [Order 73-5, § 296-24-67001, filed 5/9/73 and Order 73-4, § 296-24-67001, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-67003 Loading and marking. [Order 73-5, § 296-24-67003, filed 5/9/73 and Order 73-4, § 296-24-67003, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

296-24-67005 Operation and maintenance. [Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-24-67005, filed 7/20/94, effective 9/20/94; Order 73-5, § 296-24-67005, filed 5/9/73 and Order 73-4, § 296-24-67005, filed 5/7/73.] Repealed by 03-09-009, filed 4/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. Later promulgation, see chapter 296-807 WAC.

WAC 296-24-120 Sanitation.

Note: • Rules and regulations of the state board of health governing sanitation of places of work shall be complied with by every employer, and shall be enforced as provided for by statute law (RCW 43.20.050).

• Requirements relating to sanitation and hygiene facilities and procedures are now located in WAC 296-800-230, the safety and health core rules.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-24-120, filed 9/2/03, effective 11/1/03; Order 73-5, § 296-24-120, filed 5/9/73 and Order 73-4, § 296-24-120, filed 5/7/73.]

WAC 296-24-12001 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-12002 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-12010 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-12011 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-12017 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-650 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-65003 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-65005 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-65007 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-655 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-65501 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-657 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-65701 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-65703 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-660 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66001 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66003 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66005 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66007 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66009 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66011 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-663 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66301 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66303 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66305 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66307 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66309 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66311 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66313 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66315 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66317 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66319 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66321 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-665 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66501 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66503 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66505 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66507 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-66509 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-670 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-67001 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-67003 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-24-67005 Repealed. See Disposition Table at beginning of this chapter.

Chapter 296-27 WAC
RECORDKEEPING AND REPORTING

WAC

296-27-01109 Recording criteria for needlestick and sharps injuries.
296-27-01113 Recording criteria for cases involving occupational hearing loss.
296-27-01117 Repealed.
296-27-01119 Forms.
296-27-061 Nonmandatory Appendix A—Age adjustment calculations for comparing audiograms for recording hearing loss.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-27-01117 Recording criteria for cases involving work-related musculoskeletal disorders. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 02-22-029, § 296-27-01117, filed 10/28/02, effective 1/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-01-064, § 296-27-01117, filed 12/14/01, effective 1/1/02.] Repealed by 03-24-085, filed 12/2/03, effective 1/1/04. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

WAC 296-27-01109 Recording criteria for needlestick and sharps injuries. (1) Basic requirement. You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by chapter 296-823 WAC, Occupational exposure to bloodborne pathogens). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in WAC 296-27-01119).

(2) Implementation.

(a) **What does "other potentially infectious materials" mean?** The term "other potentially infectious materials" is defined in the bloodborne pathogens portion of Part J (Biological Agents) of chapter 296-62 WAC, General occupational health standards. These materials include:

• The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

• Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

• HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

(b) **Does this mean that I must record all cuts, lacerations, punctures, and scratches?** No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the recording criteria in WAC 296-27-01107.

(c) **If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the OSHA 300 Log?** Yes, you must update the classification of the case on the OSHA 300 Log if the case results in death, days away from work, restricted work, or job transfer. You must also update the description to identify the infectious disease and change the classification of the case from an injury to an illness.

(d) **What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to record this incident?** You need to record such an incident on the OSHA 300 Log as an illness if:

(i) It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or

(ii) It meets one or more of the recording criteria in WAC 296-27-01107.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-27-01109, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-01-064, § 296-27-01109, filed 12/14/01, effective 1/1/02.]

WAC 296-27-01113 Recording criteria for cases involving occupational hearing loss. (1) Basic requirement. You must record a hearing loss case on the OSHA Log if an employee's hearing test (audiogram) reveals that a recordable threshold shift (RTS) in one or both ears has occurred.

(2) Implementation.

(a) **How do I evaluate the current audiogram to determine whether a recordable threshold shift has occurred?**

(i) If the employee has never previously experienced a recorded hearing loss, you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recorded hearing loss, you must compare the employee's current audiogram with the employee's revised baseline audiogram (the audiogram reflecting the employee's previously recorded hearing loss case.)

(ii) The employee has a recordable threshold shift when:

• There is a change in the hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or greater at 2000, 3000, and 4000 hertz (Hz) in one or both ears.

AND

• The employee's overall hearing loss (threshold) is 25 dB or greater (averaged at 2000, 3000, and 4000 Hz) in the same ear as the change.

Note: Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero.

(b) **May I adjust the current audiogram to reflect the effects of aging on hearing?** Yes. When you are determining whether an RTS has occurred, you may age adjust the employee's current audiogram results by using Tables A-1 or A-2, as appropriate, in Appendix A of this chapter. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

(c) **Do I have to record the hearing loss if I am going to retest the employee's hearing?** No, if you retest the employee's hearing within thirty days of the first test, and the retest does not confirm the RTS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the RTS, you must record the hearing loss illness within seven calendar days of the retest. If subsequent audiometric testing indicates that an RTS is not persistent, you may erase or line-out the recorded entry.

(d) **Are there any special rules for determining whether a hearing loss case is work-related?** No. You must use the rules in WAC 296-27-01103 to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a preexisting hearing loss, you must consider the case to be work-related.

(e) **If a physician or other licensed health care professional determines the hearing loss is not work-related, do I still need to record the case?** No. If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.

(f) When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-085, § 296-27-01113, filed 12/2/03, effective 1/1/04; 02-22-029, § 296-27-01113, filed 10/28/02, effective 1/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-01-064, § 296-27-01113, filed 12/14/01, effective 1/1/02.]

WAC 296-27-01117 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-27-01119 Forms. (1) Basic requirement. You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA

300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.

(2) Implementation.

(a) **What do I need to do to complete the OSHA 300 Log?** You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.

(b) **What do I need to do to complete the OSHA 301 Incident Report?** You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

(c) **How quickly must each injury or illness be recorded?** You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven calendar days of receiving information that a recordable injury or illness has occurred.

(d) **What is an equivalent form?** An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information listed on the OSHA form.

(e) **May I keep my records on a computer?** Yes, if the computer can produce equivalent forms when they are needed, as described under WAC 296-27-02111 and 296-27-03103, you may keep your records using the computer system.

(f) **Are there situations where I do not put the employee's name on the forms for privacy reasons?** Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under WAC 296-27-02111. You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

(g) **How do I determine if an injury or illness is a privacy concern case?** You must consider the following injuries or illnesses to be privacy concern cases:

• An injury or illness to an intimate body part or the reproductive system;

• An injury or illness resulting from a sexual assault;

• Mental illnesses;

• HIV infection, hepatitis, or tuberculosis;

• Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (WAC 296-27-01109 for definitions); **and**

• Other illnesses if the employee independently and voluntarily requests that his or her name not be entered on the log.

(h) **May I classify any other types of injuries and illnesses as privacy concern cases?** No, this is a complete list of all injuries and illnesses considered privacy concern cases for the purposes of this section.

(i) **If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy?** Yes, if you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

(j) **What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives?** If you decide to voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives (as required by WAC 296-27-02111 and 296-27-03103), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the forms with personally identifying information only:

(i) To an auditor or consultant hired by the employer to evaluate the safety and health program;

(ii) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or

(iii) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR 164.512.

(3) **Falsification, failure to keep records or reports.**

(a) RCW 49.17.190(2) of the act provides that "whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction be guilty of a gross misdemeanor and be punished by a fine of not more than ten thousand dollars, or by imprisonment for not more than six months or by both."

(b) Failure to maintain records or file reports required by this chapter, or in the detail required by the forms and instructions issued under this chapter, may result in the issuance of citations and assessment of penalties as provided for in WAC 296-800-35002 through 296-800-35052.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-24-085, § 296-27-01119, filed 12/2/03, effective 1/1/04; 02-22-029, § 296-27-01119, filed 10/28/02, effective 1/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-01-064, § 296-27-01119, filed 12/14/01, effective 1/1/02.]

WAC 296-27-061 Nonmandatory Appendix A—Age adjustment calculations for comparing audiograms for recording hearing loss. IMPORTANT: These computations

may only be used for comparison of audiograms to record hearing loss on the OSHA 300 Log. This appendix is nonmandatory.

In determining whether a recordable threshold shift has occurred, allowance may be made for the contribution of aging to the change in hearing level by adjusting the most recent audiogram. If you choose to adjust the audiogram, you must follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard…Occupational Exposure to Noise," ((HSM)-11001).

For each audiometric test frequency:

(i) Determine from Tables A-1 or A-2 the age correction values for the employee by:

(A) Finding the age at which the most recent audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz;

(B) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 1000 Hz through 6000 Hz.

(ii) Subtract the values found in step (i)(B) from the value found in step (i)(A).

(iii) The differences calculated in step (ii) represent that portion of the change in hearing that may be due to aging.

EXAMPLE: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

	Audiometric Test Frequency (Hz)				
Employee's age	1000	2000	3000	4000	6000
26	10	5	5	10	5
*27	0	0	0	5	5
28	0	0	0	10	5
29	5	0	5	15	5
30	0	5	10	20	10
31	5	10	20	15	15
*32	5	10	10	25	20

The audiogram at age 27 is considered the baseline since it shows the best hearing threshold levels. Asterisks have been used to identify the baseline and most recent audiogram. A threshold shift of 20 dB exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 5, from the hearing threshold at age 32, which is 25.) A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to Table A-1 and find the age correction values (in dB) for 4000 Hz at age 27 and age 32.

	Frequency (Hz)				
	1000	2000	3000	4000	6000
Age 32	6	5	7	10	14
Age 27	5	4	6	7	11
Difference	1	1	1	3	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the most recent audiogram. In this example, the difference at 4000 Hz is 3 dB. This value is subtracted from the hearing level at 4000 Hz, which in the most recent audiogram is 25, yielding 22 after adjustment. Then the hearing threshold in the baseline audiogram at 4000 Hz (5) is subtracted from the adjusted annual audiogram hearing threshold at 4000 Hz (22). Thus the age-corrected threshold shift would be 17 dB (as opposed to a threshold shift of 20 dB without age correction).

TABLE A-1 - AGE CORRECTION VALUES IN DECIBELS FOR MALES

	Audiometric Test Frequency (Hz)				
Age	1000	2000	3000	4000	6000
20 or younger	5	3	4	5	8
21	5	3	4	5	8
22	5	3	4	5	8
23	5	3	4	6	9
24	5	3	5	6	9
25	5	3	5	7	10
26	5	4	5	7	10
27	5	4	6	7	11
28	6	4	6	8	11
29	6	4	6	8	12
30	6	4	6	9	12
31	6	4	7	9	13
32	6	5	7	10	14
33	6	5	7	10	14
34	6	5	8	11	15
35	7	5	8	11	15
36	7	5	9	12	16
37	7	6	9	12	17
38	7	6	9	13	17
39	7	6	10	14	18
40	7	6	10	14	19
41	7	6	10	14	20
42	8	7	11	16	20
43	8	7	12	16	21
44	8	7	12	17	22
45	8	7	13	18	23
46	8	8	13	19	24
47	8	8	14	19	24
48	9	8	14	20	25
49	9	9	15	21	26
50	9	9	16	22	27
51	9	9	16	23	28
52	9	10	17	24	29
53	9	10	18	25	30
54	10	10	18	26	31
55	10	11	19	27	32
56	10	11	20	28	34
57	10	11	21	29	35
58	10	12	22	31	36
59	11	12	22	32	37
60 or older	11	13	23	33	38

TABLE F-2 - AGE CORRECTION VALUES IN DECIBELS FOR FEMALES

	Audiometric Test Frequency (Hz)				
Age	1000	2000	3000	4000	6000
20 or younger	7	4	3	3	6

Audiometric Test Frequency (Hz)					
Age	1000	2000	3000	4000	6000
21	7	4	4	3	6
22	7	4	4	4	6
23	7	5	4	4	7
24	7	5	4	4	7
25	8	5	4	4	7
26	8	5	5	4	8
27	8	5	5	5	8
28	8	5	5	5	8
29	8	5	5	5	9
30	8	6	5	5	9
31	8	6	6	5	9
32	9	6	6	6	10
33	9	6	6	6	10
34	9	6	6	6	10
35	9	6	7	7	11
36	9	7	7	7	11
37	9	7	7	7	12
38	10	7	7	7	12
39	10	7	8	8	12
40	10	7	8	8	13
41	10	8	8	8	13
42	10	8	9	9	13
43	11	8	9	9	14
44	11	8	9	9	14
45	11	8	10	10	15
46	11	9	10	10	15
47	11	9	10	11	16
48	12	9	11	11	16
49	12	9	11	11	16
50	12	10	11	12	17
51	12	10	12	12	17
52	12	10	12	13	18
53	13	10	13	13	18
54	13	11	13	14	19
55	13	11	14	14	19
56	13	11	14	15	20
57	13	11	15	15	20
58	14	12	15	16	21
59	14	12	16	16	21
60 or older	14	12	16	17	22

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-24-085, § 296-27-061, filed 12/2/03, effective 1/1/04.]

Chapter 296-45 WAC

SAFETY STANDARDS FOR ELECTRICAL WORKERS

WAC

296-45-045 NESC applicable.
296-45-255 Protective equipment.
296-45-325 Working on or near exposed energized parts.
296-45-48535 Chemical cleaning of boilers and pressure vessels.

WAC 296-45-045 NESC applicable. (1) All electric utilities and entities operating transmission and distribution facilities within the state of Washington must design, construct, operate, and maintain their lines and equipment according to the requirements of the 2002 National Electrical Safety Code (NESC) (ANSI-C2), parts (1), (2), and (3).

Note: The department has copies of the NESC available for review at each service location across the state. To purchase a copy, write to:
The Institute of Electrical and Electronics Engineers, Inc. (IEEE, Inc.)
445 Hoes Lane
Piscataway, NJ 08855-1331

(2) The employer must ensure that climbing space is provided on all poles and structures. The climbing space must meet the requirements of the 2002 National Electrical Safety Code (NESC) (ANSI-C2), except that Rule 236H does not apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-17-071, § 296-45-045, filed 8/19/03, effective 11/1/03. Statutory Authority: RCW 49.17.040. 99-09-080, § 296-45-045, filed 4/20/99, effective 8/1/99. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and [49.17].060. 98-07-009, § 296-45-045, filed 3/6/98, effective 5/6/98.]

WAC 296-45-255 Protective equipment. (1) Rubber protective equipment must be in accordance with and tested as follows:

Item	Standard
Rubber Insulating Gloves	(ASTM) D 120-2002
Rubber Matting for Use Around Electrical Apparatus	(ASTM) D 178-2001
Rubber Insulating Blankets	(ASTM) D 1048-1999
Rubber Insulating Hoods	(ASTM) D 1049-2002
Rubber Insulating Line Hose	(ASTM) D 1050-1999
Rubber Insulating Sleeves	(ASTM) D 1051-2002

(2) No protective equipment or material other than rubber shall be used: Provided, That such other nonconductive equipment may be used if it provides equal or better (dielectric) electrical and mechanical protection than rubber protective equipment: Provided, That the employer obtain before placing in service, manufacturer's data or other data to demonstrate that such nonrubber protective equipment provided equal or better electrical and mechanical protection than approved rubber equipment.

(3) Protective equipment shall not be used at voltages in excess of that for which the manufacturer has supplied data to the employer demonstrating that it is fit for such voltages.

(4) No protective equipment shall be modified, altered, or used for purposes other than those for which it is designed unless and until the manufacturer has, in writing, agreed or suggested that there be such modification, alteration, or use.

(5) Each rubber glove before it is used shall be inspected for defects and an approved air test performed. If, upon inspection, rubber gloves are either defective or appear to be defective, they shall not be used.

(6) Before being placed in service, all rubber protective equipment shall be numbered and records kept for test purposes and assignment.

(7) Rubber protective equipment shall not be used unless it has been dielectrically tested within six months and bears marking or identification of the date of the test or the expiration date.

(8) Protector gloves must be worn over insulating gloves.

Exception: Protector gloves need not be used with Class 0 gloves, under limited-use conditions, where small equipment and parts manipulation necessitate unusually high finger dexterity.

Note: Extra care is needed in the visual examination of the glove and in the avoidance of handling sharp objects.

(9) Rubber gloves when not in use shall be carried in an approved bag provided and designed for that purpose. It shall be provided by the employer and made available to the employees.

(10) Approved rubber gloves and carrying bag shall be assigned to each employee who works with, or is exposed to energized parts.

(11) Rubber protective equipment shall not be vulcanized or patched.

(12) A compartment or box shall be provided on each electric line truck, which box or compartment shall be used for storing rubber protective equipment. No equipment shall be stored in said compartment or box which can or could cause damage to the rubber equipment or goods placed in the compartment or box. Additionally, a separate container or compartment shall be provided for rubber blankets.

(13) Line hose shall not be doubled on themselves at any time. All blankets before storage must be wiped clean and rolled, not folded, before being placed in the container or box.

(14) Protective line equipment of material other than rubber shall be kept clean and visually inspected before each use.

(15) If protective line equipment of material other than rubber is found to be substantially defective or unsuitable for the purpose for which it is designed and intended, said protective line equipment shall not be used for personal protection of employees as may be required in Table 1 of this chapter. Said protective line equipment shall be marked defective but may be otherwise used unless the defect or damage to said protective line equipment creates additional safety hazards.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-17-071, § 296-45-255, filed 8/19/03, effective 11/1/03; 98-07-009, § 296-45-255, filed 3/6/98, effective 5/6/98.]

WAC 296-45-325 Working on or near exposed energized parts. This section applies to work on exposed live parts, or near enough to them, to expose the employee to any hazard they present.

(1) General. Only qualified employees may work on or with exposed energized lines or parts of equipment. Only qualified employees may work in areas containing unguarded, uninsulated energized lines or parts of equipment operating at 50 volts or more. Electric lines and equipment shall be considered and treated as energized unless the provisions of WAC 296-45-175 through 296-45-17565 or 296-45-335 have been followed.

(2) Except as provided in subsection (3) of this section, at least two qualified employees shall be present while the following types of work are being performed:

(a) Installation, removal, or repair of lines that are energized at more than 600 volts;

(b) Installation, removal, or repair of deenergized lines if an employee is exposed to contact with other parts energized at more than 600 volts;

(c) Installation, removal, or repair of equipment, such as transformers, capacitors, and regulators, if an employee is exposed to contact with parts energized at more than 600 volts;

(d) Work involving the use of mechanical equipment, other than insulated aerial lifts, near parts energized at more than 600 volts; and

(e) Other work that exposes an employee to electrical hazards greater than or equal to those posed by operations that are specifically listed in subsection (2)(a) through (d) of this section.

Note 1: One employee will serve principally as a standby person who must be so located that they may physically reach the other employee in the event of an accident either with their hand or with a hot stick twelve feet or less in length. The standby will be so positioned as to be able to observe the other employee, their bodily movements, and verbally warn of any impending dangers. In no case when working in pairs will employees work simultaneously on energized wires or parts of different phases or polarity;

Note 2: When installing or removing a hot line clamp connection on a multiphase system, it is permissible for the second employee to stand by at the lower controls of the aerial lift provided the connection or disconnection does not interrupt or pick up load. The hot line clamp and connecting jumper must be constructed so it cannot make contact with any other energized parts. The work must not be performed above lines or apparatus energized at more than 600 V.

Note 3: In cases of necessity the standby person may temporarily assist the other employee provided that they both work on wires or parts of the same phase or polarity. Both employees shall so position themselves so that the presence of the second person does not increase the hazard.

(3) The provisions of WAC 296-45-325(2) do not apply in the following circumstances:

(a) When re-fusing circuits or equipment with a hot stick.

(b) When operating switches by means of operating handle or switch sticks.

(c) When installing or removing a hot line clamp connection with an approved hot stick on a single-phase line or apparatus, providing that the connection or disconnection does not interrupt or pick up a load.

Note 1: The hot line clamp and connecting jumper must be constructed so that it cannot make contact with any other energized parts.

Note 2: On a multiphase feed this applies only when one single-phase line or apparatus is present on the load side.

(d) When installing or removing by hot stick simple load metering devices provided the connection does not interrupt or pickup load.

(e) Emergency repairs to the extent necessary to safeguard the general public.

(4) "Minimum approach distances." The employer shall ensure that no employee approaches or takes any conductive object closer to exposed energized parts than set forth in Table 1 through Table 4, unless:

The employee is insulated from the energized part (insulating gloves or insulating gloves and sleeves worn in accordance with subsection (6) of this section are considered insulation of the employee only with regard to the energized part upon which work is being performed); or

The energized part is insulated from the employee and from any other conductive object at a different potential.

Note 1: WAC 296-45-475 (5)(a) and 296-45-48525(1) contain requirements for the guarding and isolation of live parts. Parts of electric circuits that meet these two provisions are not considered as "exposed" unless a guard is removed or an employee enters the space intended to provide isolation from the live parts.

Note 2: When an employee is required to work on or within reach of any unprotected conductors that are or may become ener-

gized at more than 50 volts and less than 600 volts between phases, they shall take the following precautions:

1: They shall wear approved insulating gloves or insulating gloves and sleeves during the time they are working on such conductor, or

2: They shall cover, with approved devices, any adjacent unprotected conductor that could be touched by any part of their body, and use insulated tools.

3: Cables which are properly insulated for the voltages to which they are energized, shall be considered as an effective barrier to protect the employees and Table 1 need not apply.

(5) Initial determination.

(a) Before any work is performed, the location of energized lines and their condition, the location and condition of energized equipment, the condition of the poles, the location of circuits and equipment including power communication lines, CATV and fire alarm circuits, shall be determined as shall any other particular hazard of a particular work site.

(b) No work shall be performed on energized lines or parts until the voltage of such equipment and lines is determined.

(6) Type of insulation. If the employee is to be insulated from energized parts by the use of insulating gloves (under subsection (4) of this section), insulating sleeves shall also be used. However, insulating sleeves need not be used under the following conditions:

(a) If exposed energized parts on which work is not being performed are insulated from the employee; and

(b) If such insulation is placed from a position not exposing the employee's upper arm to contact with other energized parts.

(7) Working position. The employer shall ensure that each employee, to the extent that other safety-related conditions at the worksite permit, works in a position from which a slip or shock will not bring the employee's body into contact with exposed, uninsulated parts energized at a potential different from the employee.

(8) Making connections. The employer shall ensure that connections are made as follows:

(a) In connecting deenergized equipment or lines to an energized circuit by means of a conducting wire or device, an employee shall first attach the wire to the deenergized part;

(b) When disconnecting equipment or lines from an energized circuit by means of a conducting wire or device, an employee shall remove the source end first; and

(c) When lines or equipment are connected to or disconnected from energized circuits, loose conductors shall be kept away from exposed energized parts.

(9) Rubber gloves can only be used on 5,000 volts or less between phases.

(10) It shall not be permissible to consider one part of a high voltage switch or disconnect as deenergized for the purpose of doing work on it if the remainder of the switch or disconnect remains energized unless approved barriers are erected which will prevent employees who are doing the work on such equipment from coming in direct contact with the energized parts.

(11) Conductor support tools such as link sticks, strain carriers, and insulator cradles may be used: Provided, That the clear insulation is at least as long as the insulator string or the minimum distance specified in Table 1 for the operating voltage.

(12) Apparel.

(a) When work is performed within reaching distance of exposed energized parts of equipment, the employer shall ensure that each employee removes or renders nonconductive all exposed conductive articles, such as key or watch chains, rings, or wrist watches or bands, unless such articles do not increase the hazards associated with contact with the energized parts.

(b) The employer shall train each employee who is exposed to the hazards of flames or electric arcs in the hazards involved.

(c) The employer shall ensure that each employee who is exposed to the hazards of flames or electric arcs does not wear clothing that, when exposed to flames or electric arcs, could increase the extent of injury that would be sustained by the employee.

Note: Clothing made from the following types of fabrics, either alone or in blends, is prohibited by this subsection, unless the employer can demonstrate that the fabric has been treated to withstand the conditions that may be encountered or that the clothing is worn in such a manner as to eliminate the hazard involved: Acetate, nylon, polyester, rayon.

(d) Workers shall wear clothing appropriate to the season and the kind of work being performed. Shirts or jumpers must have full length sleeves that are rolled down. Protective hard hats and eye protection shall be worn when working on or near live parts or while climbing poles.

(13) Fuse handling. When fuses must be installed or removed with one or both terminals energized at more than 300 volts or with exposed parts energized at more than 50 volts, the employer shall ensure that tools or gloves rated for the voltage are used. When expulsion-type fuses are installed with one or both terminals energized at more than 300 volts, the employer shall ensure that each employee wears eye protection meeting the requirements of WAC 296-45-25505(1), uses a tool rated for the voltage, and is clear of the exhaust path of the fuse barrel.

(14) Covered (noninsulated) conductors. The requirements of this section which pertain to the hazards of exposed live parts also apply when work is performed in the proximity of covered (noninsulated) wires.

(15) Noncurrent-carrying metal parts. Noncurrent-carrying metal parts of equipment or devices, such as transformer cases and circuit breaker housings, shall be treated as energized at the highest voltage to which they are exposed, unless the employer inspects the installation and determines that these parts are grounded before work is performed.

(16) Opening circuits under load. Devices used to open circuits under load conditions shall be designed to interrupt the current involved.

Table 1: AC Live Work Minimum Approach Distance

Voltage in kilovolts phase to phase*	Distance to employee			
	Phase to ground		Phase to Phase	
	(m)	(ft-in)	(m)	(ft-in)
0 to 0.050	not specified		not specified	
0.051 to 0.300	avoid contact		avoid contact	
0.301 to 0.750	0.31	1-0	0.31	1-0
0.751 to 15	0.65	2-2	0.67	2-3
15.1 to 36.0	0.77	2-7	0.86	2-10
36.1 to 46.0	0.84	2-9	0.96	3-2
46.1 to 72.5	1.00**	3-3**	1.20	3-11
72.6 to 121	0.95**	3-2**	1.29	4-3

Voltage in kilovolts phase to phase*	Distance to employee Phase to ground		Phase to Phase	
	(m)	(ft-in)	(m)	(ft-in)
138 to 145	1.09	3-7	1.50	4-11
161 to 169	1.22	4-0	1.71	5-8
230 to 242	1.59	5-3	2.27	7-6
345 to 362	2.59	8-6	3.80	12-6
500 to 550	3.42	11-3	5.50	18-1
765 to 800	4.53	14-11	7.91	26-0

*For single-phase systems, use the highest voltage available.
For single-phase lines off three phase systems, use the phase-to-phase voltage of the system.
**The 46.1 to 72.5 kV phase-to-ground 3-3 distance contains a 1-3 electrical component and a 2-0 inadvertent movement component while the 72.6 to 121 kV phase-to-ground 3-2 distance contains a 2-2 electrical component and a 1-0 inadvertent movement component.

Note 1: These distances take into consideration the highest switching surge an employee will be exposed to on any system with air as the insulating medium and the maximum voltages shown.

Note 2: The clear live-line tool distance shall equal or exceed the values for the indicated voltage ranges.

Note 3: See Appendix B to this section for information on how the minimum approach distances listed in the tables were derived.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-17-071, § 296-45-325, filed 8/19/03, effective 11/1/03. Statutory Authority: RCW 49.17.040. 99-09-080, § 296-45-325, filed 4/20/99, effective 8/1/99. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and [49.17].060. 98-07-009, § 296-45-325, filed 3/6/98, effective 5/6/98.]

WAC 296-45-48535 Chemical cleaning of boilers and pressure vessels. The following requirements apply to chemical cleaning of boilers and pressure vessels:

(1) Areas where chemical cleaning is in progress shall be cordoned off to restrict access during cleaning. If flammable liquids, gases, or vapors or combustible materials will be used or might be produced during the cleaning process, the following requirements also apply:

(a) The area shall be posted with signs restricting entry and warning of the hazards of fire and explosion; and

(b) Smoking, welding, and other possible ignition sources are prohibited in these restricted areas.

(2) The number of personnel in the restricted area shall be limited to those necessary to accomplish the task safely.

(3) There shall be ready access to water or showers for emergency use.

Note: See WAC 296-800-230, of the safety and health core rules, for requirements that apply to the water supply and to washing facilities.

(4) Employees in restricted areas shall wear protective equipment meeting the requirements of this chapter and including, but not limited to, protective clothing, boots, goggles, and gloves.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-45-48535, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-45-48535, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and [49.17].060. 98-07-009, § 296-45-48535, filed 3/6/98, effective 5/6/98.]

Chapter 296-46A WAC

SAFETY STANDARDS—INSTALLING ELECTRIC WIRES AND EQUIPMENT—ADMINISTRATIVE RULES

(Formerly chapter 296-46 WAC)

WAC

296-46A-090 through 296-46A-960 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-46A-090 Foreword. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-090, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-092 General definitions. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-092, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-095 Inspection. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-095, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-100 Approval for conductors and equipment. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-100, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-102 Industrial control panel inspection. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-102, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-104 Traffic management systems. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238 and chapter 19.28 RCW. 01-01-097, § 296-46A-104, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321,

19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-110 Identification methods. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-110, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-130 Classification or definition of occupancies. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-130, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-140 Plan review for educational, institutional or health care facilities and other buildings. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-140, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-155 Wiring methods for designated building occupancies. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-155, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-21052 Tamper resistant receptacles. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-21052, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-215 Feeders—Ground fault protection testing. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-215, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-220 Branch circuit and feeder calculations. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-220, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-22530 More than one building or other structure. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-22530, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-23001 Service requirements. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-23001, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-23028 Service or other masts. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-23028, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-23040 Service conductors. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-23040, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-23062 Service equipment. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-23062, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-250 Grounding and bonding. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-250, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-300 Wiring methods. [Statutory Authority: RCW 19.28.-031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-300, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161,

19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-30011 Support of raceways, cables, or boxes in suspended ceilings. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-30011, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-324 Knob-and-tube wiring. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-324, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-348 Electrical metallic tubing. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-348, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-365 Concerts, motion picture productions, stage shows, and similar shows. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-365, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-370 Boxes and fittings. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-370, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-41004 Lighting fixtures. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-41004, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-41030 Flexible cord connection pendant boxes and electric discharge fixtures. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-41030, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-422 Water heater circuit. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-422, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-450 Transformers. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-450, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-500 Sewage disposal systems. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-500, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-514 Dispensing and service stations. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-514, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-517 Health care facilities. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-517, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-550 Mobile/manufactured homes. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-550, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-553 Boat moorages, floating buildings, and similar installations. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-

553, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-600 Electrical signs. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-600, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-680 Electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-680, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-700 Emergency systems. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-700, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-702 Optional standby systems. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-702, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-900 Electrical work permits and fees. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-900, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-910 Inspection fees. [Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-46A-910, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-46A-910, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-910, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-915 Electrical/telecommunications contractor license, administrator certificate and examination, and copy fees. [Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-46A-915, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-46A-915, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-915, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-920 Civil penalty. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-920, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-930 Electrical/telecommunications contractor license and administrator certificate designation. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-930, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-931 Electrical/telecommunications contractor license. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-931, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-932 Electrical/telecommunications contractor cash or securities deposit. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-932, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400,

19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-933 Telecommunications contractor insurance. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-933, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-934 Electrical contractor exemptions. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-934, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-935 Electrical utility exemptions. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-935, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-940 Manufacturers of electrical/telecommunications products exemptions. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-940, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-950 Administrator certificate. [Statutory Authority: RCW 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, and chapter 19.28 RCW. 02-21-104, § 296-46A-950, filed 10/22/02, effective 11/22/02. Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-950, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-46A-960 Revocation or suspension of an electrical/telecommunications contractor's license or administrator's certificate. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-46A-960, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

WAC 296-46A-090 through 296-46A-960 Repealed. See Disposition Table at beginning of this chapter.

Chapter 296-46B WAC

ELECTRICAL SAFETY STANDARDS, ADMINISTRATION, AND INSTALLATION

WAC

296-46B-005 Chapter 19.28 RCW rule references.
296-46B-010 General.
296-46B-020 General definitions.
296-46B-030 Industrial control panel and industrial utilization equipment inspection.
296-46B-040 Traffic management systems.
296-46B-110 General—Requirements for electrical installations.
296-46B-210 Wiring and protection—Branch circuits.
296-46B-215 Wiring and protection—Feeders.
296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations.
296-46B-225 Wiring and protection—Outside branch circuits and feeders.
296-46B-230 Wiring and protection—Services.
296-46B-250 Wiring and protection—Grounding.
296-46B-300 Wiring methods and materials—Wiring methods.
296-46B-314 Wiring methods and materials—Outlet, device, pull and junction boxes.
296-46B-334 Wiring methods and materials—Nonmetallic-sheathed cable.
296-46B-358 Wiring methods and materials—Electrical metallic tubing.
296-46B-394 Wiring methods and materials—Concealed knob-and-tube wiring.
296-46B-410 Equipment for general use—Luminaires.
296-46B-422 Equipment for general use—Appliances.
296-46B-430 Motors, motor circuits, and controllers.
296-46B-450 Equipment for general use—Transformers and transformer vaults.
296-46B-501 Special occupancies NEC Class 1 locations.
296-46B-514 Special occupancies—Motor fuel dispensing facilities.
296-46B-517 Special occupancies—Health care facilities.
296-46B-520 Special occupancies—Theaters, motion picture and television studios, performance areas and similar areas.
296-46B-527 Special occupancies—Temporary installations.
296-46B-550 Special occupancies—Mobile homes, manufactured homes and mobile home parks.
296-46B-553 Special occupancies—Floating buildings.
296-46B-555 Special occupancies—Marinas and boatyards.
296-46B-600 Special equipment—Electric signs and outline lighting.
296-46B-680 Special equipment—Swimming pools, fountains and similar installations.
296-46B-700 Special conditions—Emergency systems.
296-46B-800 Communications systems—Communications circuits.
296-46B-900 Electrical work permits and fees.
296-46B-905 Inspection fees.
296-46B-910 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.
296-46B-911 Electrical testing laboratory fees.
296-46B-915 Civil penalty schedule.
296-46B-920 Electrical/telecommunications license/certificate types and scope of work.
296-46B-925 Electrical/telecommunications contractor's license.
296-46B-930 Assignment—Administrator or master electrician.
296-46B-935 Administrator certificate.
296-46B-940 Electrician/training/temporary certificate of competency or permit required.
296-46B-945 Qualifying for master, journeyman, specialty electrician examinations.
296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties.
296-46B-951 Domestic appliance specialty.
296-46B-955 Specialty contractor/electrician enforcement procedures.
296-46B-960 Administrator and electrician certificate of competency examinations.
296-46B-965 Training certificate required.
296-46B-970 Continuing education.

296-46B-971	Training schools.
296-46B-975	Electrical audit.
296-46B-980	Enforcement—Installations, licensing, and certification requirements.
296-46B-985	Penalties for false statements or material misrepresentations.
296-46B-990	Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws.
296-46B-995	Electrical board—Appeal rights and hearings.
296-46B-998	Standards.
296-46B-999	Electrical testing laboratory requirements.

WAC 296-46B-005 Chapter 19.28 RCW rule references. RCW 19.28.161(5) and 19.28.191(1) refer to specific sections in chapter 296-46A WAC. Chapter 296-46A WAC has been replaced by this chapter. The following cross-reference identifies the appropriate sections in this chapter:

	Chapter 19.28 RCW reference	This chapter
Residential	WAC 296-46A-930 (2)(a)	WAC 296-46B-920 (2)(a)
Pump and irrigation	WAC 296-46A-930 (2)(b)(i)	WAC 296-46B-920 (2)(a)
Signs	WAC 296-46A-930 (2)(c)	WAC 296-46B-920 (2)(a)
Limited energy systems	WAC 296-46A-930 (2)(e)(i)	WAC 296-46B-920 (2)(a)

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-005, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-010 General. Adopted standards - inspectors - city inspection - variance.

(1) The 2002 edition of the National Electrical Code (NFPA 70 - 2002) including Annex A, B, and C, but excluding Article 80; the 1999 edition of Centrifugal Fire Pumps (NFPA 20 - 1999); the 2002 edition of Emergency and Standby Power Systems (NFPA 110 - 2002); Commercial Building Telecommunications Cabling Standard (ANSI/TIA/EIA 568-B.1-May 2001 including Annex 1 through 5); Commercial Building Standard for Telecommunications Pathway and Spaces (ANSI/TIA/EIA 569-A-December 2001 including Annex 1 through 4); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA/EIA 607 - 1994); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-A-1999); and the National Electrical Safety Code (NESC C2-2002 excluding Appendixes A and B) are hereby adopted by reference as part of this chapter. Other codes, manuals, and reference works referred to in this chapter are available for inspection and review in the Olympia office of the electrical section of the department during business hours.

The requirements of this chapter will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002.

The National Electrical Code will be followed where there is any conflict between Centrifugal Fire Pumps (NFPA 20), Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-A, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570, or the NESC C2-2002 and the National Electrical Code (NFPA 70).

(2) Electrical inspectors will give information as to the interpretation or application of the standards in this chapter, but will not lay out work or act as consultants for contractors, owners, or users.

(3) The department may enforce city electrical ordinances where those governmental agencies do not make electrical inspections under an established program.

(4) A variance from the electrical installation requirements of chapter 19.28 RCW or this chapter may be granted by the department when it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(a) Any electrical permit holder may request a variance.

(b) The permit holder must make the request in writing, using a form provided by the department, to the chief electrical inspector. The request must include:

(i) A description of the installation as installed or proposed;

(ii) A detailed list of the applicable code violations;

(iii) A detailed list of safety violations;

(iv) A description of the proposal for meeting equivalent objectives for code and/or safety violations; and

(v) Appropriate variance application fee as listed in WAC 296-46B-905.

Inspection.

(5) Electrical wiring or equipment subject to this chapter must be sufficiently accessible, at the time of inspection, to permit the inspector to visually inspect the installation to verify conformance with the NEC and any other electrical requirements of this chapter.

(6) Cables or raceways, fished according to the NEC, do not require visual inspection.

(7) Wires pulled into conduit systems are not considered concealed. All required equipment grounding conductors installed in concealed raceway, cable, or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(8) The installation of all structural elements and mechanical systems (e.g., framing, plumbing, ducting, etc.) must be complete in the area(s) where electrical inspection is requested. Prior to completion of an exterior wall cover inspection, either:

(a) The exterior shear panel/sheathing nail inspection must be completed by the building code inspector; or

(b) All wiring and device boxes must be a minimum of 63 mm (2 1/2") from the exterior surface of the framing member; or

(c) All wiring and device boxes must be protected by a steel plate a minimum of 1.6 mm (1/16") thick and of appropriate width and height installed to cover the area of the wiring or box.

(9) In order to meet the minimum electrical safety standards for installations, all materials, devices, appliances, and equipment, not exempted in chapter 19.28 RCW, must conform to applicable standards recognized by the department, be listed, or field evaluated. Other than as allowed in WAC 296-46B-030(3), equipment must not be energized until such standards are met unless specific permission has been granted by the chief electrical inspector.

(10) The department will recognize the state department of transportation as the inspection authority for telecommunications systems installation within the rights of way of state highways provided the department of transportation maintains and enforces an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required for telecommunications systems installations by chapter 19.28 RCW and this chapter.

Inspection - move on buildings and structures.

(11) All buildings or structures relocated into or within the state:

(a) Other than residential, wired inside the United States (U.S.) must be inspected to ensure compliance with current requirements of chapter 19.28 RCW and the rules developed by the department.

(b) Wired outside the U.S. or Canada must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department.

(12) Residential buildings or structures wired in the U.S., to NEC requirements, and moved into or within a county, city, or town must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of chapter 19.28 RCW and the rules developed by the department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move; or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(13) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into or within a county, city, or town, must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the current chapter 19.28 RCW and rules adopted by the department.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge #10 and smaller installed after 1964 utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, #8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997 must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) 4, 15-ampere, kitchen small appliance circuits will be accepted in lieu of 2, 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington requirements in effect at the time the wiring was installed.

Classification or definition of occupancies.

(14) Occupancies are classified and defined as follows:

(a) Educational facility refers to a building or portion of a building used primarily for educational purposes by six or more persons at one time for twelve hours per week or four hours in any one day. Educational occupancy includes: Schools (preschool through grade twelve), colleges, academies, universities, and trade schools.

(b) Institutional facility refers to a building or portion of a building used primarily for detention and correctional occupancies where some degree of restraint or security is required. Such occupancies include, but are not restricted to: Penal institutions, reformatories, jails, detention centers, correctional centers, and residential-restrained care.

(c) Health or personal care facility. Health or personal care facility refers to buildings or parts of buildings that contain, but are not limited to, facilities that are required to be

licensed by the department of social and health services or the department of health (e.g., hospitals, nursing homes, private alcoholism hospitals, private psychiatric hospitals, boarding homes, alcoholism treatment facilities, maternity homes, birth centers or childbirth centers, residential treatment facilities for psychiatrically impaired children and youths, and renal hemodialysis clinics) and medical, dental or chiropractic offices or clinics, outpatient or ambulatory surgical clinics, and such other health care occupancies where patients who may be unable to provide for their own needs and safety without the assistance of another person are treated.

(i) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis.

(ii) "Nursing home," "nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(iii) "Boarding home" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing board and domiciliary care to seven or more aged persons not related by blood or marriage to the operator. It must not include any home, institution, or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution, or section thereof.

(iv) "Private alcoholism hospital" means an institution, facility, building, or equivalent designed, organized, maintained, and operated to provide diagnosis, treatment, and care of individuals demonstrating signs or symptoms of alcoholism, including the complications of associated substance use and other medical diseases that can be appropriately treated and cared for in the facility and providing accommodations, medical services, and other necessary services over a continuous period of twenty-four hours or more for two or more individuals unrelated to the operator, provided that this chapter will not apply to any facility, agency, or other entity which is owned and operated by a public or governmental body.

(v) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(vi) "Private psychiatric hospital" means a privately owned and operated establishment or institution which: Provides accommodations and services over a continuous period of twenty-four hours or more, and is expressly and exclusively for observing, diagnosing, or caring for two or more individuals with signs or symptoms of mental illness, who are not related to the licensee.

(vii) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women, not related by blood or marriage to the operator, during pregnancy or during or within ten days after delivery: Provided, however, that this definition will not apply to any hospital approved by the American College of Surgeons, American Osteopathic Association or its successor.

(viii) "Birth center" or "childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(ix) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice. (NEC; Ambulatory Health Care Center.)

(x) "Hospice care center" means any building, facility, place, or equivalent, organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death.

(xi) "Renal hemodialysis clinic" means a facility in a building or part of a building which is approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of renal dialysis patients (including inpatient dialysis furnished directly or under arrangement). (NEC; Ambulatory Health Care Center.)

(xii) "Medical, dental, and chiropractic clinic" means any clinic or physicians' office where patients are not regularly kept as bed patients for twenty-four hours or more. Electrical plan review not required.

(xiii) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place, or facility designed and organized to provide twenty-four-hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(xiv) "Adult residential rehabilitation center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care and/or long-term individualized active treatment and rehabilitation for clients diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(xv) "Group care facility" means a facility other than a foster-family home maintained and operated for the care of a group of children on a twenty-four-hour basis.

(d) Licensed day care centers.

(i) "Child day care center" means a facility providing regularly scheduled care for a group of children one month of age through twelve years of age for periods less than twenty-four hours; except, a program meeting the definition of a family child care home will not be licensed as a day care center without meeting the requirements of WAC 388-150-020(5).

(ii) "School-age child care center" means a program operating in a facility other than a private residence accountable for school-age children when school is not in session.

The facility must meet department of licensing requirements and provide adult supervised care and a variety of developmentally appropriate activities.

(iii) "Family child day care home" means the same as "family child care home" and "a child day care facility" licensed by the state, located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of twelve or fewer children, including children who reside at the home. Electrical plan review not required.

Plan review for educational, institutional or health care facilities and other buildings.

(15) Plan review is a part of the electrical inspection process; its primary purpose is to determine: That loads, conductors, and equipment are calculated and sized according to the proper NEC or WAC article or section; the classification of hazardous locations; and proper design of emergency and standby systems.

(16) All electrical plans for new or altered electrical installations in educational, institutional, and health or personal care occupancies classified or defined in this chapter must be reviewed and approved before the electrical installation or alteration is started. Approved plans must be available on the job site for use during the electrical installation or alteration and for use by the electrical inspector. Plans are not required to be on the job site for preliminary electrical underground conduit installation inspection if:

(a) Completed electrical plans have been submitted and conditionally accepted by the department for review; and

(b) The permit holder has requested the inspection in writing to the department. Preliminary underground conduit installation inspection is conditional and subject to any changes required from the plan review process. No other inspections will be allowed until the department has approved all submitted plans and the approved plans are on the job site.

(17) All electrical plans for educational facilities, hospitals and nursing homes must be prepared by, or under the direction of, a consulting electrical engineer registered under chapter 18.43 RCW, and chapters 246B-320, 180-29, and 388-97 WAC and stamped with the engineer's mark and signature.

(18) Plans for these electrical installations within cities that perform electrical inspections within their jurisdiction, and provide an electrical plan review program that equals or exceeds the department's program in plans examiner minimum qualifications per chapter 19.28 RCW, must be submitted to that city for review rather than to the department, unless the agency licensing or regulating the installation specifically requires review by the department.

(19) Refer plans for department review to the Electrical Section, Department of Labor and Industries, P.O. Box 44460, Olympia, Washington 98504-4460.

(20) Plans to be reviewed by the department must be legible, identify the name and classification of the facility, clearly indicate the scope and nature of the installation and the person or firm responsible for the electrical plans. The plans must clearly show the electrical installation or alteration in floor plan view, include switchboard and/or panelboard schedules and when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation and interrupting rating of equipment. Where existing electrical systems are to supply additional loads, the plans must include documentation that proves adequate capacity and ratings. The plans must be submitted with a plan review submittal form available from the department. Plan review fees are not required to be paid until the review is completed. Plans will not be returned until all fees are paid.

(21) Plan review for new or altered electrical installations of other types of construction may be voluntarily requested by the owner or electrical contractor.

(22) For existing structures where additions or alterations to feeders and services are proposed, Article 220.35(1) NEC may be used. If Article 220.35(1) NEC is used, the following is required:

(a) The date of the measurements.

(b) A statement attesting to the validity of the demand data, signed by a professional electrical engineer or the electrical administrator of the electrical contractor performing the work.

(c) A diagram of the electrical system identifying the point(s) of measurement.

(d) Building demand measured continuously on the highest-loaded phase of the feeder or service over a thirty-day period, with demand peak clearly identified. (Demand peak is defined as the maximum average demand over a fifteen-minute interval.)

(23) Due to their minimal load requirements, plan review of the following limited energy systems will not be required: Fire alarm, nurse call, intrusion or security alarm, intercom, public address, music, energy management, programmed clock, or telecommunications.

(24) When the service or feeder load calculation is affected five percent or less by the addition or alteration of five or less branch circuits, plan review for the branch circuits may be requested from the department's local inspection office. Permission for such small project plan review may be granted at the discretion of the electrical inspection field supervisor, the plans examiner supervisor, or the chief electrical inspector.

Wiring methods for designated building occupancies.

(25) Wiring methods, equipment and devices for health or personal care, educational and institutional facilities as defined or classified in this chapter and for places of assembly for one hundred or more persons must comply with Tables 010-1 and 010-2 of this chapter and the notes thereto. The local building authority will determine the occupant load of places of assembly.

(26) Listed tamper-resistant receptacles or listed tamper-resistant receptacle cover plates are required in all licensed day care centers, all licensed children group care facilities and psychiatric patient care facilities where accessible to children five years of age and under. Listed tamper-resistant receptacles are required in psychiatric patient care facilities where accessible to psychiatric patients over five years of age.

Notes to Tables 010-1 and 010-2.

1. Wiring methods in accordance with the NEC unless otherwise noted.

2. Metallic or nonmetallic raceways, MI, MC, or AC cable, except that metallic raceway or cable is required in places of assembly.

Table 010-1 Health or Personal Care Facilities

Health or Personal Care Facility Type[1]	Plan Review Required
Hospital	YES
Nursing home unit or long-term care unit	YES
Boarding home or assisted living facility	YES
Private alcoholism hospital	YES
Alcoholism treatment facility	YES
Private psychiatric hospital	YES
Maternity home	YES
Birth center or childbirth center	NO
Ambulatory surgery facility	YES
Hospice care center	NO
Renal hemodialysis clinic	YES
Medical, dental, and chiropractic clinic	NO
Residential treatment facility for psychiatrically impaired children and youth	YES
Adult residential rehabilitation center	YES
Group care facility	NO

Table 010-2 Educational and Institutional Facilities, Places of Assembly or Other Facilities

Educational, Institutional or Other Facility Type	Plan Review Required
Educational[2]	YES
Institutional[2]	YES
Places of assembly for 100 or more persons[1]	NO
Child day care center[1]	NO
School-age child care center[1]	NO
Family child day care home, family child care home, or child day care facility[1]	NO

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-010, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-020 General definitions. (1) All definitions listed in the National Electrical Code and chapter 19.28 RCW are recognized in this chapter unless other specific definitions are given in this chapter.

(2) **"Accreditation"** is a determination by the department that a laboratory meets the requirements of this chapter and is therefore authorized to evaluate electrical products that are for sale in the state of Washington.

(3) **"Administrative law judge"** means an administrative law judge (ALJ) appointed pursuant to chapter 34.12 RCW and serving in board proceedings pursuant to chapter 19.28 RCW and this chapter.

(4) **"ANSI"** means American National Standards Institute. Copies of ANSI standards are available from the National Conference of States on Building Codes and Standards, Inc.

(5) **"Appeal"** is a request for review of a department action by the board as authorized by chapter 19.28 RCW.

(6) **"Appellant"** means any person, firm, partnership, corporation, or other entity that has filed an appeal or request for board review.

(7) **"ASTM"** means the American Society for Testing and Materials. Copies of ASTM documents are available from ASTM International.

(8) **"AWG"** means American Wire Gauge.

(9) **"Board"** means the electrical board established and authorized under chapter 19.28 RCW.

(10) **"Chapter"** means chapter 296-46B WAC unless expressly used for separate reference.

(11) **"Category list"** is a list of nonspecific product types determined by the department.

(12) A **"certified electrical product"** is an electrical product to which a laboratory, accredited by the state of Washington, has the laboratory's certification mark attached.

(13) A **"certification mark"** is a specified laboratory label, symbol, or other identifying mark that indicates the manufacturer produced the product in compliance with appropriate standards or that the product has been tested for specific end uses.

(14) **"Certificate of competency"** includes the certificates of competency for master journeyman electrician, master specialty electrician, journeyman, and specialty electrician.

(15) A laboratory **"certification program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority, regulating the evaluation of electrical products for certification marking by an electrical products certification laboratory.

(16) A **"complete application"** includes the submission of all appropriate fees, documentation, and forms.

(17) **"Department"** means the department of labor and industries of the state of Washington.

(18) **"Director"** means the director of the department, or the director's designee.

(19) **"Electrical equipment"** includes electrical conductors, conduit, raceway, apparatus, materials, components, and other electrical equipment not exempted by RCW 19.28.006(8). Any conduit/raceway of a type listed for electrical use is considered to be electrical equipment even if no wiring is installed in the conduit/raceway at the time of the conduit/raceway installation.

(20) An **"electrical products certification laboratory"** is a laboratory or firm accredited by the state of Washington to perform certification of electrical products.

(21) An **"electrical products evaluation laboratory"** is a laboratory or firm accredited by the state of Washington to perform on-site field evaluation of electrical products for safety.

(22) **"Field evaluated"** means an electrical product to which a field evaluation mark is attached. Field evaluation must include job site inspection unless waived by the department, and may include component sampling and/or laboratory testing.

(23) **"Field evaluation mark"** is a specified laboratory label, symbol, or other identifying mark indicating the manufacturer produced the product in essential compliance with

appropriate standards or that the product has been evaluated for specific end uses.

(24) A **"field evaluation program"** is a specified set of testing, inspection, and quality assurance procedures, including appropriate implementing authority regulating the testing and evaluation of electrical products for field evaluation marking.

(25) The **"filing"** is the date the document is actually received in the office of the chief electrical inspector.

(26) **"Final judgment"** means any money that is owed to the department under this chapter, including fees and penalties, or any money that is owed to the department as a result of an individual's or contractor's unsuccessful appeal of a citation.

(27) **"Fished wiring"** is when cable or conduit is installed within the finished surfaces of an existing building or building structure (e.g., wall, floor or ceiling cavity).

(28) **HVAC/refrigeration specific definitions:**

(a) **"HVAC/refrigeration"** means heating, ventilation, air conditioning, and refrigeration.

(b) **"HVAC/refrigeration component"** means electrical power and limited energy components within the "HVAC/refrigeration system," including, but not limited to: Pumps, compressors, motors, heating coils, controls, switches, thermostats, humidistats, low-voltage damper controls, outdoor sensing controls, outside air dampers, standalone duct smoke detectors, air monitoring devices, zone control valves and equipment for monitoring of HVAC/refrigeration control panels and low-voltage connections. This definition excludes equipment and components of non-"HVAC/refrigeration control systems."

(c) **"HVAC/refrigeration control panel"** means an enclosed, manufactured assembly of electrical components designed specifically for the control of a HVAC/refrigeration system. Line voltage equipment that has low voltage, NEC Class 2 control or monitoring components incidental to the designed purpose of the equipment is not an HVAC/refrigeration control panel (e.g., combination starters).

(d) **"HVAC/refrigeration control system"** means a network system regulating and/or monitoring a HVAC/refrigeration system. Equipment of a HVAC/refrigeration control system includes, but is not limited to: Control panels, data centers, relays, contactors, sensors, and cables related to the monitoring and control of a HVAC/refrigeration system(s).

(e) **"HVAC/refrigeration equipment"** means the central unit primary to the function of the "HVAC/refrigeration system." HVAC/refrigeration includes, but is not limited to: Heat pumps, swamp coolers, furnaces, compressor packages, and boilers.

(f) **"HVAC/refrigeration system"** means a system of HVAC/refrigeration: Wiring, equipment, and components integrated to generate, deliver, or control heated, cooled, filtered, refrigerated, or conditioned air. This definition excludes non-HVAC/refrigeration control systems (e.g., fire alarm systems, intercom systems, building energy management systems, and similar non-HVAC/refrigeration systems) (see Figure 920-1 and Figure 920-2).

(29) An **"individual"** or **"party"** or **"person"** means an individual, firm, partnership, corporation, association, government subdivision or unit thereof, or other entity.

(30) An **"installation"** includes the act of installing, connecting, repairing, modifying, or otherwise performing work on an electrical system, component, equipment, or wire except as exempted by WAC 296-46B-925.

(31) An **"identification plate"** is a phenolic or metallic plate or other similar material engraved in block letters at least 1/4" (6 mm) high unless specifically required to be larger by this chapter, suitable for the environment and application. The letters and the background must be in contrasting colors. Screws, rivets, or methods specifically described in this chapter must be used to affix an identification plate to the equipment or enclosure.

(32) **"License"** means a license required under chapter 19.28 RCW.

(33) **"Labeled"** means an electrical product that bears a certification mark issued by a laboratory accredited by the state of Washington.

(34) A **"laboratory"** may be either an electrical product(s) certification laboratory or an electrical product(s) evaluation laboratory.

(35) A **"laboratory operations control manual"** is a document to establish laboratory operation procedures and may include a laboratory quality control manual.

(36) **"Like-in-kind"** means having similar characteristics such as voltage requirement, current draw, circuit overcurrent and short circuit characteristics, and function within the system. Like-in-kind also includes any equipment component authorized by the manufacturer as a suitable component replacement part.

(37) **"Lineman"** is a person employed by a serving electrical utility or employed by a licensed general electrical contractor who carries, on their person, evidence that they:

(a) Have graduated from a department-approved lineman's apprenticeship course; or

(b) Are currently registered in a department-approved lineman's apprenticeship course and are working under the direct one hundred percent supervision of a journeyman electrician or a graduate of a lineman's apprenticeship course approved by the department. The training received in the lineman's apprenticeship program must include training in applicable articles of the currently adopted National Electrical Code.

(38) **"Listed"** means equipment has been listed and identified by a laboratory approved by the state of Washington for the appropriate equipment standard per this chapter.

(39) **"Low voltage"** means:

(a) NEC, Class 1 power limited circuits at 30 volts maximum.

(b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).

(c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(d) Circuits of telecommunications systems as defined in chapter 19.28 RCW.

(40) **"NEC"** means National Electrical Code. Copies of the NEC are available from the National Fire Protection Association.

(41) **"NEMA"** means National Electrical Manufacturer's Association. Copies of NEMA standards are available from the National Electrical Manufacturer's Association.

(42) **"NESC"** means National Electrical Safety Code. Copies of the NESC are available from the Institute of Electrical and Electronics Engineers, Inc.

(43) **"NETA"** means International Electrical Testing Association, Inc. Copies of the NETA standards and information are available from the International Electrical Testing Association, Inc.

(44) **"NFPA"** means the National Fire Protection Association. Copies of NFPA documents are available from the National Fire Protection Association.

(45) **"NRTL"** means Nationally Recognized Testing Laboratory accredited by the federal Occupational Safety and Health Administration (OSHA) after meeting the requirements of 29 CFR 1910.7.

(46) **"Point of contact"** for utility work, means the point at which a customer's electrical system connects to the serving utility system.

(47) **"Proceeding"** means any matter regarding an appeal before the board including hearings before an administrative law judge.

(48) **"Public area or square"** is an area where the public has general, clear, and unrestricted access.

(49) A **"quality control manual"** is a document to maintain the quality control of the laboratory's method of operation. It consists of specified procedures and information for each test method responding to the requirements of the product standard. Specific information must be provided for portions of individual test methods when needed to comply with the standard's criteria or otherwise support the laboratory's operation.

(50) **"RCW"** means the Revised Code of Washington. Copies of electrical RCWs are available from the department and the office of the code reviser.

(51) A **"stand-alone amplified sound or public address system"** is a system that has distinct wiring and equipment for audio signal generation, recording, processing, amplification, and reproduction. This definition does not apply to telecommunications installations.

(52) **"Service"** or **"served"** means that as defined in RCW 34.05.010(19) when used in relation to department actions or proceedings.

(53) A **"telecommunications local service provider"** is a regulated or unregulated (e.g., by the Federal Communications Commission or the utilities and transportation commission as a telephone or telecommunications provider) firm providing telecommunications service ahead of the telecommunications network demarcation point to an end-user's facilities.

(54) **"Telecommunications network demarcation point"** is as defined in RCW 19.28.400 for both regulated carriers and unregulated local service providers.

(55) **"TIA/EIA"** means the Telecommunications Industries Association/Electronic Industries Association which publishes the *TIA/EIA Telecommunications Building Wiring Standards*. Standards and publications are adopted by TIA/EIA in accordance with the American National Standards Institute (ANSI) patent policy.

(56) A **"training school"** is a public community or technical college or not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(57) **"Under the control of a utility"** for the purposes of RCW 19.28.091 and 19.28.101 is when electrical equipment is not owned by a utility and:

(a) Is located in a vault, room, closet, or similar enclosure that is secured by a lock or seal so that access is restricted to the utility's personnel; or

(b) The utility is obligated by contract to maintain the equipment and the contract provides that access to the equipment is restricted to the utility's personnel or other qualified personnel.

(58) **"UL"** means Underwriters Laboratory.

(59) **"Utility"** means an electrical utility.

(60) **"Utility system"** means electrical equipment owned by or under the control of a serving utility that is used for the transmission or distribution of electricity from the source of supply to the point of contact.

(61) **"Utilization voltage"** means the voltage level employed by the utility's customer for connection to lighting fixtures, motors, heaters, or other electrically operated equipment other than power transformers.

(62) **"Variance"** is a modification of the electrical requirements as adopted in chapter 19.28 RCW or any other requirements of this chapter that may be approved by the chief electrical inspector if assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

(63) **"WAC"** means the Washington Administrative Code. Copies of this chapter of the WACs are available from the department and the office of the code reviser.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, and chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-020, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-030 Industrial control panel and industrial utilization equipment inspection. Specific definitions.

(1) Specific definitions for this section:

(a) **"Department evaluation"** means a review in accordance with subsection (2)(c) of this section.

(b) **"Food processing plants"** include buildings or facilities used in a manufacturing process, but do not include:

(i) Municipal or other government facilities;

(ii) Educational facilities or portions thereof;

(iii) Institutional facilities or portions thereof;

(iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(c) In RCW 19.28.010, **"industrial control panel"** means a factory or user wired assembly of industrial control equipment such as motor controllers, switches, relays, power supplies, computers, cathode ray tubes, transducers, and auxiliary devices used in the manufacturing process to control industrial utilization equipment. The panel may include disconnecting means and motor branch circuit protective devices. Industrial control panels include only those used in a

manufacturing process in a food processing or industrial plant.

(d) **"Industrial plants"** include buildings or facilities used in a manufacturing process, but do not include:

(i) Municipal or other government facilities;

(ii) Educational facilities or portions thereof;

(iii) Institutional facilities or portions thereof;

(iv) Restaurants;

(v) Farming, ranching, or dairy farming operations;

(vi) Residential uses; or

(vii) Other installations not used for direct manufacturing purposes.

(e) **"Industrial utilization equipment"** means equipment directly used in a manufacturing process in a food processing or industrial plant, in particular the processing, treatment, moving, or packaging of a material. Industrial utilization equipment does not include: Cold storage, warehousing, or similar storage equipment.

(f) **"Manufacturing process"** means to make or process a raw material or part into a finished product for sale using industrial utilization equipment. A manufacturing process does not include the storage of a product for future distribution (e.g., cold storage, warehousing, and similar storage activity).

(g) **"Normal department inspection"** is a part of the department electrical inspection process included with the general wiring inspection of a building, structure, or other electrical installation. Normal department inspection will only be made for equipment solely using listed or field evaluated components and wired to the requirements of the NEC. Fees for the normal department inspections required under this chapter are included in the electrical work permit fee calculated for the installation and are not a separate inspection fee. However, inspection time associated with such equipment is subject to the progress inspection rates in WAC 296-46B-905.

(h) For the purposes of this section, **"panel"** means a single box or enclosure containing the components comprising an industrial control panel. A panel does not include any wiring methods connecting multiple panels or connecting a panel(s) and other electrical equipment.

Safety standards.

(2) Industrial control panels and industrial utilization equipment will be determined to meet the minimum electrical safety standards for installations by:

(a) Listing, or field evaluation of the entire panel or equipment;

(b) Normal department inspection for compliance with codes and rules adopted under this chapter; or

(c) By department evaluation showing compliance with appropriate standards. Appropriate standards are NFPA 79 or International Electrotechnical Commission 60204 or their equivalent. Industrial utilization equipment is required to conform to an international or United States national standard applicable for the particular industrial utilization equipment. Compliance must be shown as follows:

(i) For each separate piece of equipment, the equipment's manufacturer must document, by letter to the equipment owner, the equipment's conformity to appropriate standard(s). The letter must be signed and notarized. The letter must state:

(A) The equipment manufacturer's name;

(B) The type of equipment;

(C) The equipment model number;

(D) The equipment serial number;

(E) The equipment supply voltage, amperes, phasing, fault current interrupting rating;

(F) The standard(s) used;

(G) That the equipment is manufactured in compliance with the standard(s) used;

(H) The date the equipment was manufactured;

(I) The manufacturer must demonstrate an appropriate affiliation or registration with an appropriate standards organization (e.g., NRTL, International Standards Organization, etc.); and

(J) The methodology used by the manufacturer to ensure that the equipment was constructed according to the standard(s) listed. This methodology should include hazard assessment, documentation, technical construction file, operation manual, and any other applicable information.

(ii) The equipment owner must document, by letter to the chief electrical inspector, the equipment's usage as industrial utilization equipment as described in this section and provide a copy of the equipment manufacturer's letter described in (c)(i) of this subsection. The owner's letter must be accompanied by the fee required in WAC 296-46B-905(14).

For the purposes of this section, the owner must be a food processing or industrial plant as described in this section. The owner cannot be the equipment's manufacturer, agent, or distributor.

(iii) The chief electrical inspector will evaluate the equipment manufacturer's and the equipment owner's letters and if necessary the individual equipment and make a determination of a standard's appropriateness using the supplied information.

(iv) If required by the chief electrical inspector, the owner must provide the department with a copy, in English, of the standard(s) used and any documentation required by the chief electrical inspector to support the claims made in the equipment manufacturer's or owner's letter.

If the industrial utilization equipment has been determined to be manufactured to a standard(s) appropriate for industrial utilization equipment as determined by the chief electrical inspector per RCW 19.28.010(1), the equipment will be marked with a department label.

The department will charge a marking fee as required in WAC 296-46B-905(14). Once marked by the department, the equipment is suitable for installation anywhere within the state without modification so long as the equipment is being used as industrial utilization equipment. If payment for marking is not received by the department within thirty days of marking the equipment, the department's mark(s) will be removed and the equipment ordered removed from service.

(v) If the equipment usage is changed to other than industrial utilization equipment or electrical modifications are made to the equipment, the equipment must be successfully listed or field evaluated by a laboratory approved by the department.

(vi) The equipment must be permanently installed at the owner's facility and inspected per the requirements of RCW 19.28.101.

(3) The department may authorize, on a case-by-case basis, use of the industrial control panel or equipment, for a period not to exceed six months or as approved by the chief electrical inspector after use is begun, before its final inspection, listing, or evaluation.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-030, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-040 Traffic management systems. (1) The department will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems; and

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system.

A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(2) The department recognizes that traffic signal conductors, pole and bracket cables, signal displays, and traffic signal controllers/cabinets and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW provided they conform with the following standards or are listed on the Washington state department of transportation (WSDOT) qualified products list.

(a) WSDOT/APWA Standard Specifications and Plans;

(b) WSDOT Design Manual;

(c) International Municipal Signal Association (IMSA);

(d) National Electrical Manufacturer's Association (NEMA);

(e) Federal Standards 170/Controller Cabinets;

(f) Manual for Uniform Road, Bridge, and Municipal Construction;

(g) Institute of Transportation Engineers (ITE); or

(h) Manual of Uniform Traffic Control Devices (MUTCD).

(3) Associated induction detection loop or similar circuits will be accepted by the department without inspection.

(4) For the licensing requirements of chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for other jurisdiction(s) under a valid interlocal agreement, as permitted by chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the department prior to work being performed for this provision to apply.

(5) Jurisdictions, with an established electrical inspection authority, and WSDOT may perform electrical inspection on their rights of way for each other by interlocal agreement. They may not perform electrical inspection on other rights of way except as allowed in chapter 19.28 or 39.34 RCW.

(6) Underground installations.

(a) In other than open trenching, raceways will be considered "fished" according to the NEC and do not require visual inspection.

(b) The department will conduct inspections in open trenching within its jurisdiction. The electrical work permit purchaser must coordinate the electrical inspection. A written request (e.g., letter, e-mail, fax, etc.) for inspection, made to the department office having the responsibility to perform the inspection, must be made a minimum of two working days prior to the day inspection is needed (e.g., two working days - 10:00 a.m. Tuesday request for a 10:00 a.m. Thursday inspection, excluding holidays and weekends).

If, after proper written request, the department fails to make an electrical inspection at the time requested, underground conduit may be covered after inspection by the local government jurisdiction's project inspector/designee. Written documentation of a local government jurisdiction inspection must be provided to the department when requested. Written documentation will include:

(i) Date and time of inspection;

(ii) Location;

(iii) Installing firm;

(iv) Owner;

(v) Type of conduit;

(vi) Size of conduit;

(vii) Depth of conduit; and

(viii) Project inspector/designee name and contact information.

(7) Identification of traffic management system components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (2) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(8) Conductors of different circuits in same cable, enclosure, or raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-040, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-110 General—Requirements for electrical installations.

012 Mechanical execution of work.

(1) Unused openings. Unused openings in boxes, raceways, auxiliary gutters, cabinets, cutout boxes, meter socket enclosures, equipment cases, or housings shall be effectively closed to afford protection substantially equivalent to the wall of the equipment. Where metallic plugs or plates are

used with nonmetallic enclosures, they shall be recessed at least 6 mm (1/4") from the outer surface of the enclosure. Unused openings do not include weep holes, unused mounting holes, or any other opening with less than .15 square inches of open area.

016 Flash protection.

(2) The flash protection marking required by NEC 110.16 must be an identification plate or label approved by the electrical inspector and may be installed either in the field or in the factory. The plate or label may be mounted using adhesive.

022 Identification of disconnecting means.

(3) For the purposes of legibly marking a disconnecting means, as required in NEC 110.22, an identification plate is required unless the disconnect is a circuit breaker/fused switch installed within a panelboard and the circuit breaker/fused switch is identified by a panelboard schedule. In other than dwelling units, the identification plate must include the identification designation of the circuit source panelboard that supplies the disconnect.

(4) Where electrical equipment is installed to obtain a series combination rating, the identification as required by NEC 110.22, must be in the form of an identification plate that is substantially yellow in color. The words **"CAUTION - SERIES COMBINATION RATED SYSTEM"** must be on the label in letters at least 13 mm (1/2") high.

030 Over 600 volts - general.

(5) Each cable operating at over 600 volts and installed on customer-owned systems must be legibly marked in a permanent manner at each termination point and at each point the cable is accessible. The required marking must use phase designation, operating voltage, and circuit number if applicable.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-110, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-210 Wiring and protection—Branch circuits.

008B Other than dwelling units - GFCI requirements.

(1) For the purposes of NEC 210.8(B), all 125-volt, single-phase, 15- and 20-ampere receptacles must have ground-fault circuit-interrupter protection for personnel as required by NEC 210.8(A). Kitchens in other than dwelling units are considered to be any work surface where food and/or beverage preparation occurs and other countertops or islands.

011 Branch circuits.

(2) Circuits must be taken to all unfinished spaces adaptable to future dwelling unit living areas that are not readily accessible to the service or branch circuit panelboard. The circuits must terminate in a suitable box(es). The box must contain an identification of the intended purpose of the circuit(s). The branch circuit panelboard must have adequate space and capacity for the intended load(s).

052(B)(5) Receptacle outlet locations.

(3) Receptacle outlets installed inside appliance garages will be permitted to be counted as a required countertop outlet.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-210, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-215 Wiring and protection—Feeders.

010 Feeders - ground fault protection testing.

Equipment ground fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all system feeders. A firm having qualified personnel and proper equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-215, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-220 Wiring and protection—Branch circuit, feeder, and service calculations.

003 Branch circuit calculations.

Occupancy lighting loads. In determining feeder and service entrance conductor sizes and equipment ratings, the currently adopted Washington state energy code unit lighting power allowance table and footnotes may be used in lieu of NEC 220.3.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-220, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-225 Wiring and protection—Outside branch circuits and feeders.

032 Location of outside feeder disconnecting means.

The building disconnecting means required by NEC 225.32 must be provided to disconnect all ungrounded conductors that supply or pass through a building or structure per the requirements of NEC 225.32 (except for Exceptions 1, 2, 3, or 4) in accordance with subsection (1) or (2) of this section.

(1) Outside location: Where the feeder disconnecting means is installed outside a building or structure, it must be on the building or structure or within sight and within fifteen feet of the building or structure supplied. The building disconnecting means may supply only one building/structure unless the secondary building(s)/structure(s) has a separate building disconnecting means meeting the requirements of

the NEC and this subsection. The disconnecting means must have an identification plate with at least one-half-inch high letters identifying:

(a) The building/structure served; and

(b) Its function as the building/structure main disconnect(s).

(2) Inside location: The feeder disconnecting means may be installed anywhere inside a building or structure when there is a feeder disconnecting means, located elsewhere on the premises, with overcurrent protection sized for the feeder conductors.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, and chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-225, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-230 Wiring and protection—Services.

001 General service requirements.

(1) The owner, the owner's agent, or the electrical contractor making the installation must consult the serving utility regarding the utility's service entrance requirements for equipment location and meter equipment requirements before installing the service and equipment. Provisions for a meter and related equipment, an attachment of a service drop, or an underground service lateral must be made at a location acceptable to the serving utility. The point of contact for a service drop must permit the clearances required by the NEC.

(2) A firewall must have a minimum two-hour rating as defined by the local building official to be considered a building separation in accordance with Article 100 NEC.

(3) The height of the center of the service meter must be as required by the serving utility. Secondary instrument transformer metering conductor(s) are not permitted in the service raceway.

002 Number of services.

(4) In addition to the items described in NEC 230.2(A), an additional service is permitted to supply a transient voltage surge suppressor. In addition, a service disconnect for a transient voltage surge suppressor is not required to be counted as one of the six service disconnects allowed in NEC 230.71

028 Service or other masts.

(5) Conduit extended through the roof to provide means of attaching:

(a) All overhead drops for service, feeder, or branch circuits exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than two inches.

(b) All overhead drops for service, feeder or branch circuits not exceeding #1 AWG aluminum or #3 AWG copper must be rigid steel galvanized conduit no smaller than one and one-quarter inch. The installation must comply with drawings E-101 and/or E-102, or must provide equivalent strength by other approved means. Masts for altered or relocated installations will be permitted to comply with drawing E-103.

Place illustration here.

Place illustration here.

Place illustration here.

Notes to drawings E-101, E-102, and E-103

(1) An approved roof flashing must be installed on each mast where it passes through a roof. Plastic, nonhardening mastic must be placed between lead-type flashings and the conduit. Neoprene type flashings will also be permitted to be used.

(2) Masts must be braced, secured, and supported in such a manner that no pressure from the attached conductors will be exerted on a roof flashing, meter base, or other enclosures.

(3) Utilization of couplings for a mast are permitted only below the point the mast is braced, secured, or supported.

(4) Except as otherwise required by the serving utility, service mast support guys must be installed if the service drop attaches to the mast more than twenty-four inches above the roof line or if the service drop is greater than one hundred feet in length from the pole or support. Masts for support of other than service drops must comply with this requirement as well.

(5) Intermediate support masts must be installed in an approved manner with methods identical or equal to those required for service masts.

(6) For altered services, where it is impractical to install U bolt mast supports due to interior walls remaining closed, it will be permissible to use other alternate mast support methods such as heavy gauge, galvanized, electrical channel material that is secured to two or more wooden studs with five-sixteenths inch diameter or larger galvanized lag bolts.

(7) Conductors must extend at least eighteen inches from all mastheads to permit connection to the connecting overhead wiring.

040 Service conductors - two-family and multiple-occupancy buildings.

(6) Two-family and multiple-occupancy buildings. A second or additional service drop or lateral to a building having more than one occupancy will be permitted to be installed at a location separate from other service drops or laterals to the building provided that all the following conditions are complied with:

(a) Each service drop or lateral must be sized in accordance with the NEC for the calculated load to be served by the conductors;

(b) Each service drop or lateral must terminate in listed metering/service equipment;

(c) Each occupant must have access to the occupant's service disconnecting means;

(d) No more than six service disconnects may be supplied from a single transformer;

(e) All service drops or laterals supplying a building must originate at the same transformer or power supply;

(f) A permanent identification plate must be placed at each service disconnect location that identifies all other service disconnect locations in or on the building, the area or units served by each, the total number of service disconnecting means on the building/structure and the area or units served. If a structure consists of multiple buildings (i.e., by virtue of fire separation), all service disconnects in or on the entire structure must be labeled to identify all service disconnects in or on the structure; and

(g) A permanent identification plate must be placed at each feeder disconnecting means identifying the area or units served if the feeder disconnecting means is remote from the area or unit served.

042 Service conductor - size and rating.

(7) If the service conductors have a lesser ampacity than the overcurrent protection or the equipment rating that they terminate in or on, an identification plate showing the ampacity of the conductors must be installed on the service equipment.

043 Wiring methods for 600 volts, nominal or less.

(8) The installation of service conductors not exceeding 600 volts, nominal, within a building or structure is limited to the following methods: Galvanized or aluminum rigid metal conduit; galvanized intermediate metal conduit; wireways; busways; auxiliary gutters; rigid nonmetallic conduit; cablebus; or mineral-insulated, metal-sheathed cable (type MI).

(9) Electrical metallic tubing must not be installed as the wiring method for service entrance conductors inside a building. Existing electrical metallic tubing, installed prior to October 1984, which is properly grounded and used for service entrance conductors may be permitted to remain if the conduit is installed in a nonaccessible location and is the proper size for the installed conductors.

(10) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

062 Service equipment - general.

(11) Service equipment, subpanels, and similar electrical equipment must be installed so that they are readily accessible and may not be installed in bathrooms, clothes closets, or shower rooms. All indoor service equipment and subpanel equipment must have adequate working space and be adequately illuminated.

(12) Temporary construction service equipment may only be used for construction purposes and must be disconnected when the permanent service is connected unless the department grants an extension of time.

070 Service disconnecting means.

(13) The service disconnecting means must be installed at a readily accessible location in accordance with (a) or (b) of this subsection.

(a) Outside location: Service disconnecting means will be permitted on the building or structure or within sight and within fifteen feet of the building or structure served. The building disconnecting means may supply only one building/structure. The service disconnecting means must have an identification plate with one-half-inch high letters identifying:

(i) The building/structure served; and

(ii) Its function as the building/structure main service disconnect(s).

(b) Inside location: When the service disconnecting means is installed inside the building or structure, it must be located so that the service raceway extends no more than fifteen feet inside the building/structure.

095 Ground-fault protection of equipment.

(14) Equipment ground-fault protection systems required by the NEC must be tested prior to being placed into service to verify proper installation and operation of the system as determined by the manufacturer's published instructions. This test or a subsequent test must include all service voltage feeders. A firm having qualified personnel and proper

equipment must perform the tests required. A copy of the manufacturer's performance testing instructions and a written performance acceptance test record signed by the person performing the test must be provided for the inspector's records at the time of inspection. The performance acceptance test record must include test details including, but not limited to, all trip settings and measurements taken during the test.

200 Wiring methods exceeding 600 volts.

(15) The installation of service conductors exceeding 600 volts, nominal, within a building or structure must be limited to the following methods: Galvanized rigid metal conduit, galvanized intermediate metal conduit, schedule 80 rigid nonmetallic conduit, metal-clad cable that is exposed for its entire length, cablebus, or busways.

(16) In addition to methods allowed in the NEC, the grounded service conductor is permitted to be identified with a yellow jacket or with one or more yellow stripes.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-230, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-250 Wiring and protection—Grounding.

032 Two or more buildings or structures.

(1) Effective August 1, 2003, an equipment grounding conductor must be installed with the circuit conductors between buildings and/or structures. A grounded conductor (i.e., neutral) is not permitted to be used in place of a separate equipment grounding conductor between buildings and/or structures.

052 Grounding electrodes.

(2) If a ground resistance test is not performed to ensure a resistance to ground of twenty-five ohms or less, two or more electrodes as specified in NEC 250.52 must be installed a minimum of six feet apart. However, a temporary construction service is not required to have more than one made electrode.

090 Bonding.

(3) Metallic stubs or valves used in nonmetallic plumbing systems are not required to be bonded to the electrical system unless required by an electrical equipment manufacturer's instructions.

(4) Hot and cold water plumbing lines are not required to be bonded together if, at the time of inspection, the inspector can determine the lines are mechanically and electrically joined by one or more metallic mixing valves.

184 Solidly grounded neutral systems over 1 kV.

(5) In addition to the requirements of NEC 250.184(A), the following applies for:

(a) Existing installations.

(i) The use of a concentric shield will be allowed for use as a neutral conductor for extension, replacement, or repair, if all of the following are complied with:

(A) The existing system uses the concentric shield as a neutral conductor;

(B) Each individual conductor contains a separate concentric shield sized to no less than thirty-three and one-half percent of the ampacity of the phase conductor for three-phase systems or one hundred percent of the ampacity of the phase conductor for single-phase systems;

(C) The new or replacement cable's concentric shield is enclosed inside an outer insulating jacket; and

(D) Existing cable (i.e., existing cable installed directly in the circuit between the work and the circuit's overcurrent device) successfully passes the following tests:

• A cable maintenance high potential dielectric test. The test must be performed in accordance with the cable manufacturer's instruction or the 2001 NETA maintenance test specifications; and

• A resistance test of the cable shield. Resistance must be based on the type, size, and length of the conductor used as the cable shield using the conductor properties described in NEC Table 8 Conductor Properties.

An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the test results of the maintenance high potential dielectric test and the resistance test have been reviewed by the electrical engineer and that the cable shield is appropriate for the installation. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

Testing results are valid for a period of seven years from the date of testing. Cable will not be required to be tested at a shorter interval.

(ii) A concentric shield used as a neutral conductor in a multigrounded system fulfills the requirements of an equipment grounding conductor.

(b) New installations.

(i) New installations do not include extensions of existing circuits.

(ii) The use of the concentric shield will not be allowed for use as a neutral conductor for new installations. A listed separate neutral conductor meeting the requirements of NEC 250.184(A) must be installed.

(6) Multiple grounding. NEC 250.184(B) is replaced with the following:

The neutral of a solidly grounded neutral system may be grounded at more than one point.

(a) Multiple grounding is permitted at the following locations:

(i) Services;

(ii) Underground circuits where the neutral is exposed; and

(iii) Overhead circuits installed outdoors.

(b) Multiple grounding is not allowed:

(i) For new systems where singlepoint and multigrounded circuits form a single system (e.g., where a singlepoint circuit is derived from a multigrounded circuit); or

(ii) In new single phase (i.e., single phase to ground) installations.

(7) Multigrounded neutral conductor. NEC 250.184(D) is replaced with the following:

Where a multigrounded neutral system is used, the following will apply for new balanced phase to phase circuits and extensions, additions, replacements; and repairs to all existing systems of 1 kV and over:

(a) For existing systems:

(i) The cable's concentric shield must be used as the neutral and all the requirements for neutral conductors described in subsection (6) of this section must be met; or

(ii) The cable's concentric shield must be effectively grounded to a separate bare copper neutral conductor at all locations where the shield is exposed to personnel contact.

(b) For new systems:

A separate copper neutral must be installed and the cable's concentric shield is effectively grounded to the separate neutral at all locations where the shield is exposed to personnel contact.

(c) In addition to (a) and (b) of this subsection, the following is required:

(i) A minimum of two made electrodes, separated by at least six feet, must be installed at each existing and new transformer and switching/overcurrent location and connected to the neutral conductor at that location;

(ii) At least one grounding electrode must be installed and connected to the multigrounded neutral every 400 m (1,300'). The maximum distance between adjacent electrodes must not be more than 400 m (1,300');

(iii) In a multigrounded shielded cable system, the shielding must be grounded at each cable joint that is exposed to personnel contact;

(iv) All exposed noncurrent carrying metal parts (e.g., mounting brackets, manhole covers, equipment enclosures, etc.) must be effectively grounded to the neutral conductor; and

(v) An electrical engineer must provide a specific certification to the electrical plan review supervisor in writing that the design of the multiple grounding installation has been reviewed by the electrical engineer and the design is in accordance with the requirements of chapter 19.28 RCW, this chapter, and normal standards of care. The electrical engineer must stamp the certification document with the engineer's stamp and signature. The document may be in the form of a letter or electrical plans.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-250, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-300 Wiring methods and materials—Wiring methods.

001 Wiring methods.

(1) Cables and raceways for telecommunications, power limited, NEC Class 2 and Class 3 conductors must be installed in compliance with Chapter 3 NEC unless other methods are specifically allowed elsewhere in the NEC, chapter 19.28 RCW, or this chapter.

011 Support of raceways, cables, or boxes in suspended ceilings.

(2) NEC power limited, Class 2, and Class 3 cables must be secured in compliance with NEC 334.30 and must be secured to boxes in compliance with NEC 314.17.

(3) Telecommunications cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Telecommunications cables may be fished into inaccessible hollow spaces of finished buildings. Clamps or fittings are not required where telecommunications cables enter boxes.

(4) Optical fiber cables must be secured in a manner that will not cause damage to the cables and at intervals not exceeding five feet. Cables are considered adequately supported when run through holes in building structural elements or other supporting elements. Optical fiber cables may be fished into inaccessible hollow spaces of finished buildings. Supports must allow a bending radius that will not cause damage to the cables.

(5) Where not restricted by the building code official or Article 300 NEC, the wires required in NEC 300.11(a) may support raceways, cables, or boxes under the following conditions:

(a) Raceways and/or cables are not larger than three-quarter-inch trade size;

(b) No more than two raceways or cables are supported by a support wire. The two-cable limitation does not apply to telecommunications cables, Class 2 cables, or Class 3 cables on support wires installed exclusively for such cables. The support wire must be adequate to carry the cable(s) weight and all attached cables must be secured with approved fittings; or

(c) Raceways and cables are secured to the support wires by fittings designed and manufactured for the purpose.

In addition to (a), (b), and (c) of this subsection, the following conditions must be complied with:

(d) The support wires are minimum #12 AWG and are securely fastened to the structural ceiling and to the ceiling grid system; or

(e) The raceways or cables serve equipment that is located within the ceiling cavity or is mounted on or supported by the ceiling grid system. Telecommunications cables, Class 2 cables, or Class 3 cables supported as required by this section, may pass through ceiling cavities without serving equipment mounted on or supported by the ceiling grid system.

017 Conductors in raceway.

(6) Cables will be permitted in all raceway systems if:

(a) The cable is appropriate for the environment; and

(b) The percentage fill does not exceed that allowed in NEC Chapter 9, Table 1.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-300, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-314 Wiring methods and materials—Outlet, device, pull and junction boxes.

001 Boxes and fittings.

(1) Single conductors, cables, taps, or splices installed in an open bottom junction box or handhole must be suitable for direct burial. However, an open bottom box manufactured specifically for electrical use will be permitted to be used as an electrical junction box to enclose single conductors, cables, taps, or splices rated for wet locations, only under the following conditions:

(a) In vehicular traffic areas the box must be rated for not less than H-20 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(b) In incidental vehicular traffic areas (e.g., parks, sports fields, sidewalks, grass lawns, etc.) the box must be rated for not less than H-10 loading and be provided with a bolted, hinged, or slide-on lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(c) In nonvehicular traffic areas (e.g., flower beds, patio decks, etc.) the box must be designed for the purpose and be provided with a lid embossed with the identification "ELECTRIC" or "ELECTRICAL."

(d) All conductors must be installed in approved electrical raceways that enter vertically from the open bottom of the enclosure. These raceways must be fitted with a bushing, terminal fitting, or seal incorporating the physical protection characteristics of a bushing, and project not less than 5 cm (2") above the bottom surface material. The bottom surface material must be pea gravel or sand a minimum of 5 cm (2") thick or more if required by the box manufacturer.

(2) Conduit bodies, junction, pull, and outlet boxes must be installed so that the wiring contained in them is accessible without removing any part of the building structure, including insulation material.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-314, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-334 Wiring methods and materials—Nonmetallic-sheathed cable.

010 Nonmetallic-sheathed cable.

This section is in addition to the uses permitted/not permitted for nonmetallic-sheathed cable (Type NM) described in NEC 334.10 and NEC 334.12.

Nonmetallic-sheathed cable (Type NM) is permitted in all one- and two-family dwellings.

Nonmetallic-sheathed cable (Type NM) not allowed, except in one- and two-family dwellings, in any multifamily or any other structure exceeding three floors above grade.

For the purpose of this section, the first floor of a structure will be the lowest floor that has fifty percent or more of the exterior wall surface level with or above finished exterior grade. One additional level that is the first level and not designed for human habitation and used only for vehicle parking, storage, or similar use will be permitted.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-334, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-358 Wiring methods and materials—Electrical metallic tubing.

012 Electrical metallic tubing.

In addition to complying with the provisions of Article 358 NEC, electrical metallic tubing may not be installed in direct contact with the earth or in concrete on or below grade. Also see NEC 300.6 for resistance to corrosion.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-358, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-394 Wiring methods and materials—Concealed knob-and-tube wiring.

001 Knob-and-tube wiring.

Article 394 NEC does not prohibit the installation of loose or rolled thermal insulating material in spaces containing existing knob-and-tube wiring provided that all the following conditions are met:

(1) The wiring must be surveyed by an appropriately licensed electrical contractor who must certify in writing to the department that the wiring is in good condition with no evidence of improper overcurrent protection, conductor insulation failure or deterioration, and with no improper connections or splices. The electrical inspector must inspect all repairs, alterations, or extensions to the electrical system.

(2) The insulation must meet Class I specifications as identified in the Uniform Building Code, with a flame spread factor of twenty-five or less as tested using ASTM E84-81a. Foam insulation may not be used with knob-and-tube wiring.

(3) All knob-and-tube circuits must have overcurrent protection in compliance with NEC Table 310.16, 60 degree centigrade, Column C. Overcurrent protection must be either circuit breakers or Type S fuses.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-394, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-410 Equipment for general use—Luminaires. 004 Luminaires.

(1) All luminaires within an enclosed shower area or within five feet of the waterline of a bathtub must be enclosed; these luminaires, with exposed metal parts that are grounded, must be ground fault circuit interrupter protected.

030 Flexible cord connection pendant boxes and electric discharge luminaires.

(2) The flexible cord and cord connection must comply with NEC 410.30 and the following:

(a) Connection to a suspended pendant box must utilize an integral threaded hub;

(b) The length of the cord for a suspended pendant drop from a permanently installed junction box to a suitable tension take-up device must not exceed six feet;

(c) The flexible cord must be supported at each end with an approved cord grip or strain relief connector fitting/device that will eliminate all stress on the conductor connections;

(d) The flexible cord must be a minimum #14 AWG copper;

(e) The flexible cord ampacity must be determined in NEC Table 400.5(A) column A;

(f) The flexible cord must be hard or extra hard usage; and

(g) A vertical flexible cord supplying electric discharge luminaires must be secured to the luminaire support as per NEC 334.30(A).

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-410, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-422 Equipment for general use—Appliances. 010 Water heater circuit.

Water heaters with a rated circuit load in excess of 3,500 watts at 208 or 240 volts must be provided with branch circuit conductors not smaller than #10 AWG copper or equal. Overcurrent protection must comply with NEC 422.11(E).

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-422, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-430 Motors, motor circuits, and controllers. 007 Marking on motors and multimotor equipment.

(1) All motors required to be listed in the NEC or elsewhere in this chapter must be listed or field evaluated by a laboratory. Other motors are not required to be listed or field evaluated by a laboratory.

(2) All motors must be manufactured according to National Electrical Manufacturer's Association (NEMA) standards for motors. This requirement does not apply to motors that:

(a) Are a component part of equipment listed or field evaluated by a laboratory; or

(b) Are a component part of industrial utilization equipment approved by the department per WAC 296-46B-030.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-430, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-450 Equipment for general use—Transformers and transformer vaults.

027 Flammable-liquid or oil-filled transformers installed outdoors.

(1) Flammable-liquid or oil-filled transformers installed outdoors must meet the following requirements:

(a) A transformer installed adjacent to a building/structure with any combustible surface may be located only in the shaded "Approved Transformer Area" shown in Figure 450-1;

"Approved Transformer Area" shown in Figure 450-1;
Place illustration here.

(b) A transformer installed adjacent to a building/structure with no combustible surface(s) may be located only in the shaded "Approved Transformer Area" shown in Figure 450-2;

Place illustration here.

(c) In an area in which a transformer is to be installed next to a noninhabited structure, the transformer may be no closer than two feet to the building/structure and must be outside a line extended vertically from the ends of the eaves or rooflines;

(d) A building/structure may have no doors, windows, stairways, or other openings closer than eight feet to the transformer;

(e) The finished grade at the location of the transformer must be such that any oil leaking from the transformer will flow away from the building/structure and will not pool; and

(f) If transformers are installed in areas subject to traffic other than pedestrian traffic, they must be provided with adequate guarding.

(2) Enclosures for total underground flammable-liquid or oil-filled transformers must not be located within eight feet of a doorway, operable window, stairways or fire escape. Adequate space must be maintained above the enclosure so that a boom may be used to lift the transformer from the enclosure.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-450, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-501 Special occupancies NEC Class 1 locations.

001 Sewage disposal systems.

(1) Pumping chambers for sewage, effluent, or grinder pumps in on-site and septic tank effluent pump (S.T.E.P.) disposal systems will be considered unclassified when not more than five residential units are connected to the system, residential units are connected to a utility sewage system, or when nonresidential systems have residential loading characteristics and all of the following general installations requirements are complied with:

(a) The pumping chamber must be adequately vented. Venting may be accomplished through the building or structure plumbing vents where the system venting has been approved by the local jurisdiction authority or by a direct two-inch minimum vent to the atmosphere;

(b) Equipment that in normal operation may cause an arc or spark must not be installed in any pumping chamber;

(c) Float switches installed in a pumping chamber must be hermetically sealed to prevent the entrance of gases or vapors;

(d) Junction boxes, conduits and fittings installed in the septic atmosphere must be of a noncorrosive type, installed to prevent the entrance of gases or vapors;

(e) Where a conduit system is installed between the pumping chamber and the control panel, motor disconnect, or power source, an approved sealing method must be installed to prevent the migration of gases or vapors from the pumping chamber, and must remain accessible; and

(f) Wire splices in junction boxes installed in pumping chambers must be suitable for wet locations.

(2) Residential wastewater loading characteristics in a nonresidential installation:

(a) For systems that process less than three thousand five hundred gallons of wastewater per day may be certified by:

(i) An on-site wastewater designer licensed under chapter 18.210 RCW; or

(ii) A professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

(b) For systems that process three thousand five hundred gallons or more of wastewater per day may be certified by a professional engineer, engaged in the business of on-site wastewater system design, licensed under chapter 18.43 RCW.

Written documentation must be signed and stamped by the designer or engineer and provided to the electrical inspector prior to inspection.

(3) Any residential or nonresidential system that has building or structure floor drains being discharged into the system is classified as Class I Division I. Drains from any commercially made tub, shower, basin, sink, or toilet are not considered floor drains.

(4) Pumping chamber access covers can be covered by gravel, light aggregate, or noncohesive granulated soil, and must be accessible for excavation. Access covers that are buried must have their exact location identified at the electrical panel or other prominent location by an identification plate. The authority having jurisdiction for performing electrical inspections must approve the identification plate location.

(5) Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not required to meet the requirements of this section, except for the venting requirements in subsection (1)(a) of this section. Indoor grinder pumps installed in chambers with less than fifty gallons capacity are not classified systems as described in Article 500 NEC.

(6) Secondary treatment effluent pumping chambers such as sand filters are unclassified, and require no special wiring methods.

(7) Inspection approval is required prior to covering or concealing any portion of the septic electrical system, including the pump. New septic and effluent tanks containing electrical wires and equipment must be inspected and approved prior to being loaded with sewage.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-501, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-514 Special occupancies—Motor fuel dispensing facilities.

001 General.

(1) In addition to the scope included in NEC 514.1, Article 514 NEC must be complied with for all liquified flammable gas storage or transfer facilities.

011 Emergency disconnecting means - dispensing and service stations.

(2) An emergency disconnecting means or operator must be provided to disconnect the pump or dispensing equipment serving gasoline, volatile flammable liquids, or liquefied flammable gases. The emergency disconnecting means or operator must disconnect all conductors of the circuit supplying all station dispensers and/or pumps (including the grounded conductor) simultaneously from the source(s) of supply.

(3) For installations with only one dispensing device, the emergency disconnecting means/operator may be used to satisfy subsection (2) of this section.

(4) For multicircuit installations, an electrically held normally open contactor operated by a push-button may serve as the disconnecting means to satisfy subsection (2) of this section. If a disconnecting pushbutton is used, the pushbutton may not function as the resetting mechanism for the electrically held contactor. The resetting means must be:

(a) Located at least fifteen feet or out of sight from the disconnecting pushbutton;

(b) Installed behind a cover or guard; and

(c) Identified with an identification plate that is substantially black in color.

(5) The disconnecting means satisfying subsection (2) of this section must be labeled with an identification plate, with letters at least one inch high, as the emergency disconnecting means. The disconnecting means or operator must be:

(a) Substantially red in color; and

(b) For attended facilities - must be readily accessible and must be located outdoors and within sight of the pump or dispensing equipment it controls; or

(c) For unattended facilities - must be readily accessible and must be located within sight, but at least twenty feet from the pump or dispensing equipment it controls.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-514, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-517 Special occupancies—Health care facilities.

001 Health care facilities.

In health care facilities, the following methods must be used to determine adequate capacity and ratings of equipment providing electrical power for the essential electrical systems defined in Article 517 NEC:

(1) Systems in new facilities:

(a) Emergency system: The emergency branch must consist of two branches known as:

(i) Life safety system: The feeder conductors and equipment used to supply electrical power to the life safety branch must be determined by summation of the connected loads as determined by Article 220 NEC and may not be subjected to any reduction due to the diversity of the loads. Feeder and equipment will be subject to a one hundred twenty-five percent multiplier for continuous loads in accordance with Article 220 NEC.

(ii) Critical branch system: The feeder conductors and equipment must be calculated in accordance with Article 220 NEC, including a level of diversity as determined by such article.

(b) Equipment branch: The feeder conductors and equipment used to supply electrical power to the equipment branch of the essential electrical system must be calculated in accordance with Article 220 NEC, including a level of diversity as determined by such article.

(c) Generator sizing: The rating of the generator(s) supplying electrical power to the essential system of a health care facility must meet or exceed the summation of the loads determined in (a) and (b) of this subsection with no additional demand factors applied. Momentary X-ray loads may be ignored if the generator is rated at least three hundred percent of the largest momentary X-ray load connected.

(2) Existing essential systems in facilities to which additional load is to be added:

(a) Existing loads: The existing loads of the separate branches of the essential electrical system may be determined by WAC 296-46B-010(20).

(b) Added loads: Added loads to the separate branches of the essential electrical system must be determined by subsection (1) of this section.

(c) Generator sizing: The rating of the generator(s) supplying electrical power to the essential electrical system must meet or exceed the summation of the loads determined by (a) and (b) of this subsection with no additional demand factors applied.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-517, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-520 Special occupancies—Theaters, motion picture and television studios, performance areas and similar areas.

001 Concerts, motion picture productions, stage shows, and similar shows.

(1) Service equipment, separately derived systems, feeders and circuits for concerts, motion picture productions, stage shows, and similar shows, must comply with the NEC and this chapter.

(2) The ampacity of cords and cables must be determined from the appropriate Article 400 NEC cord and cable ampacity tables including all notes.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-520, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-527 Special occupancies—Temporary installations.

001 Temporary installations.

(1) For the purposes of this section, any circuit used for construction purposes is considered to be temporary.

004 Temporary installations - splices.

(2) A splice or junction box is required for all wiring splice or junction connections in a temporary installation.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-527, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-550 Special occupancies—Mobile homes, manufactured homes and mobile home parks.

001 Mobile/manufactured homes - inspection.

(1) All alterations to the mobile/manufactured home electrical system must be permitted and inspected by the factory assembled structures section of the department. Electrical wiring in structures that are attached to the mobile/manufactured home and for which the source of power is from the mobile/manufactured home is inspected by the factory assembled structures section of the department.

032 Mobile/manufactured homes - service.

(2) If an electrical service is installed on the mobile/manufactured home:

(a) It must be installed only by the manufacturer, at the manufacturing plant. The manufacturer must complete the service except for service connections, meter, and grounding electrode conductor; and

(b) The owner or an electrical contractor must complete the service at the site.

033 Mobile/manufactured homes - feeder.

(3) When the mobile or manufactured home is supplied with power using a permanent wiring method, the equipment grounding conductor will be permitted to be bare. Bare conductors used underground must be copper. For the purposes of this section, portable cord is not considered a permanent wiring method.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-550, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-553 Special occupancies—Floating buildings. 004 Floating buildings and similar facilities - services and feeders.

(1) Where electrical power is provided, floating buildings and similar facilities in addition to complying with the appropriate sections of Article 553 NEC must have a readily accessible service rated disconnect located on the shoreline within sight of the shoreline connection of the dock, wharf or similar structure to which the floating building or similar facility is moored.

(2) Where shore power is provided, each floating building or similar facility must have a disconnecting means located within sight of each floating building or similar facility. The disconnecting means must be installed adjacent to but not in or on the floating building or similar facility.

007 Floating buildings and similar installations - wiring methods.

(3) Extra-hard usage portable power cables rated not less than 75° C, 600 volts, listed for wet locations and sunlight resistance and having an outer jacket rated for the environment may be used as a permanent wiring method when joining the structures indicated above and for any concealed or protected wiring on a sectionalized floating dock leading to a floating building or similar facility. The cable needs to be resistant only to environments it is normally exposed to on an ongoing basis.

(4) Conductors operating in excess of 600 volts, nominal may not be installed on floating portions of a floating building or similar facility.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-553, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-555 Special occupancies—Marinas and boatyards. (1) For the purposes of NEC 555.1, the scope of work includes private, noncommercial docking facilities.

(2) For the purposes of NEC 555.5, transformers must be located a minimum of twelve inches above the deck of a dock (datum plane requirements do not apply for this section).

(3) For the purposes of NEC 555.7, adjacent means within sight.

(4) For the purposes of NEC 555.9, all electrical connections must be installed a minimum of twelve inches above the deck of a pier unless the connections are approved for wet locations (datum plane requirements do not apply for this section).

(5) For the purposes of NEC 555.10, all enclosures must be corrosion resistant. All gasketed enclosures must be arranged with a weep hole to discharge condensation.

(6) For the purposes of NEC 555.11, gasketed enclosures are only required for wet locations.

(7) For the purposes of NEC 555.13, the following wiring methods are allowed:

(a) All wiring installed in a damp or wet location must be suitable for wet locations.

(b) Extra-hard usage portable power cables rated not less than 75° C, 600 volts, listed for wet locations and sunlight resistance and having an outer jacket rated for the environment are permitted. Portable power cables are permitted as a permanent wiring method under or within docks and piers or where provided with physical protection. The requirements of NEC 555.13 (B)(4)(b) do not apply.

(c) Overhead wiring must be installed at the perimeter of areas where boats are moored, stored, moved, or serviced to avoid possible contact with masts and other parts of boats.

(d) For the purposes of NEC 555.13 (B)(5), the wiring methods of Chapter 3 NEC will be permitted.

(8) For the purposes of NEC 555.19, receptacles must be mounted not less than twelve inches above the deck surface of the pier or dock (datum plane requirements do not apply for this section). Shore power receptacles that provide shore power for boats must be rated not less than 20 amperes and must be single outlet type and must be of the locking and grounding type or pin and sleeve type.

(9) For the purposes of NEC 555.21, electrical wiring and equipment located at or serving dispensing stations must comply with Article 514 NEC in addition to the requirements of this section.

(a) Boundary classifications.

(i) Class I, Division 1. The area under the dispensing unit is a Class I, Division 1 location. If a dock has one or more voids, pits, vaults, boxes, depressions, or similar spaces where flammable liquid or vapor can accumulate below the dock surface and within twenty feet horizontally of the dispensing unit, then the area below the top of the dock and within twenty feet horizontally of the dispensing unit is a Class I, Division 1 location. See Figure 555-1.

(ii) Class I, Division 2. The area eighteen inches above the water line and within twenty feet horizontally of the dispensing unit is a Class I, Division 2 location. If a dock has one or more voids, pits, vaults, boxes, depressions, or similar spaces where flammable liquid or vapor can accumulate below the dock surface and within twenty feet horizontally of the dispensing unit, then the area to eighteen inches above the top and adjacent to the sides of the dock and within twenty feet horizontally of the dispensing unit is a Class I, Division 2 location. See Figure 555-2.

(b) Portable power cable will be allowed as a permanent wiring method in Class I, Division 2 locations when protected from physical damage.

(10) For the purposes of NEC 555.23, the datum plane requirements do not apply.

Place illustration here.

Place illustration here.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-555, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-600 Special equipment—Electric signs and outline lighting.

001 Electrical signs - general.

(1) All electrical signs within the scope of UL Standard 48, the electrical sign standard, must be listed. All electrical signs outside the scope of UL Standard 48 will be inspected for compliance with the NEC.

009 Awning electrical signs.

(2) Luminaires in outdoor awnings must be suitable for wet locations and be connected by a wiring method suitable for wet locations.

(3) Fluorescent luminaires must be located at least six inches from the awning fabric. Incandescent lamps or luminaires must be located at least eighteen inches from the awning fabric. A disconnecting means must be installed per Article 600 NEC.

(4) Listed awning signs must be installed in compliance with the manufacturer's instructions and the NEC.

010 Portable or mobile outdoor electrical signs.

(5) A weatherproof receptacle outlet that is weatherproof with the supply cord connected must be installed within six feet of each electrical sign.

(6) Extension cords are not permitted to supply portable outdoor signs.

(7) All portable outdoor electrical signs must be listed or field evaluated by a laboratory accredited by the department.

030 Neon tubing.

(8) NEC 600, Part II, Field-Installed Skeleton Tubing, will apply to all neon tubing and neon circuit conductors.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-600, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-680 Special equipment—Swimming pools, fountains and similar installations.

001 General.

(1) Package spa or hot tubs. Electrical heating, pumping, filtering, and/or control equipment installed within five feet of a spa or hot tub must be listed or field evaluated as a package with the spa or hot tub.

(2) A factory assembled skid pack of electrical heating, pumping, filtering, and/or control equipment (skid pack) must be installed more than five feet from a spa or hot tub and shall be listed as a package unit.

(3) The maintenance disconnect and field installed, listed electrical equipment for a hot tub, spa, or swim spa must be located at least five feet from the hot tub, spa or swim spa. Field installed listed equipment must meet the following additional requirements:

(a) The heater is listed as a "spa heater or swimming pool heater";

(b) The pump is listed as a "spa pump" or "swimming pool/spa pump" (the pump may be combined with a filter assembly); and

(c) Other listed equipment such as panelboards, conduit, and wire are suitable for the environment and comply with the applicable codes.

(4) Field installed, listed electrical equipment for a swimming pool must be located at least five feet from the swimming pool. Field installed listed equipment must meet the following additional requirements:

(a) The heater must be listed as a "swimming pool heater or a spa heater";

(b) The pump must be listed as a "swimming pool pump" or "spa pump" or "swimming pool/spa pump"; and

(c) Other equipment such as panelboards, conduit, and wire must be suitable for the environment and comply with the applicable codes.

The five-foot separation may be reduced by the installation of a permanent barrier, such as a solid wall, fixed glass windows or doors, etc. The five-foot separation will be determined by the shortest path or route that a cord can travel from the spa, hot tub, swim spa, or swimming pool to an object.

(5) The field assembly or installation of "recognized components" will not be permitted.

(6) Hydromassage bathtubs must be listed as a unit and bear a listing mark which reads "hydromassage bathtub."

(7) Manufacturers' instructions must be followed as part of the listing requirements.

(8) Electrical components which have failed and require replacement must be replaced with identical products unless the replacement part is no longer available; in which case, a like-in-kind product may be substituted provided the mechanical and grounding integrity of the equipment is maintained.

(9) Cut-away-type display models may not be sold for other than display purposes and are not expected to bear a listing mark.

040 Spas and hot tubs.

(10) NEC 680.42(C) will apply for interior and exterior wiring to outdoor installations of spas and hot tubs.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-680, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-700 Special conditions—Emergency systems.

001 Emergency systems - general.

(1) In all health or personal care facilities defined in this chapter, educational facilities, institutional facilities, hotels, motels, and places of assembly for one hundred or more persons, all exit and emergency lights must be installed in accordance with Article 700 NEC and located as required in standards adopted by the state building code council under chapter 19.27 RCW.

009 Emergency systems - equipment identification.

(2) All exit and emergency lights, whether or not required by the NEC, must be installed in accordance with Article 700 NEC.

(3) Device and junction boxes for fire alarm systems other than the surface raceway type, must be substantially red in color, both inside and outside. Power-limited fire protective signaling circuit conductors must be durably and plainly marked in or on junction boxes or other enclosures to indicate that it is a power-limited fire protective signaling circuit.

(4) All boxes and enclosures, for Article 700 NEC systems, larger than six inches by six inches, including transfer switches, generators, and power panels for emergency systems and circuits must be permanently identified with an identification plate that is substantially orange in color. All other device and junction boxes for emergency systems and circuits must be substantially orange in color, both inside and outside.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-700, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-800 Communications systems—Communications circuits.

001 Installation.

All telecommunications installations on an end-user's property, beyond the end-user's telecommunications network demarcation point, made by a telecommunications service provider, both inside and outside of a building or structure, must conform to all licensing, certification, installation, permitting, and inspection requirements described in chapter 19.28 RCW and this chapter.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-800, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-900 Electrical work permits and fees. General.

(1) When an electrical work permit is required by chapter 19.28 RCW or this chapter, inspections may not be made, equipment must not be energized, or services connected unless:

(a) A valid electrical work permit is completely and legibly filled out and readily available;

(b) The classification or type of facility to be inspected and the exact scope and location of the electrical work to be performed are clearly shown on the electrical work permit;

(c) The address where the inspection is to be made is clearly identifiable from the street, road or highway that serves the premises; and

(d) Driving directions and/or a legible map is provided for the inspectors' use.

(2) An electrical work permit is valid for only one specific site address.

(3) Except as provided in subsection (8) of this section, a valid electrical work permit must be posted on the job site at a readily accessible and conspicuous location prior to beginning electrical work and at all times until the electrical inspection process is completed.

Permit - responsibility for.

(4) Each person, firm, partnership, corporation, or other entity must furnish a valid electrical work permit for the installation, alteration, or other electrical work performed or to be performed by that entity. Each electrical work permit application must be signed by the electrical contractor's administrator (or designee) or the person, or authorized representative of the firm, partnership, corporation, or other entity that is performing the electrical installation or alteration. Permits purchased electronically do not require a handwritten signature. An entity designated to sign electrical permits must provide written authorization of the purchaser's designation when requested by the department.

(5) Permits to be obtained by customers. Whenever a serving electrical utility performs work for a customer under one of the exemptions in WAC 296-46B-925 and the work is subject to inspection, the customer is responsible for obtaining all required permits.

(6) Except for emergency repairs to existing electrical systems, electrical work permits must be obtained and posted at the job site prior to beginning the installation or alteration. An electrical work permit for emergency repairs to existing electrical systems must be obtained and posted at the job site no later than the next business day after the work is begun.

(7) Fees must be paid in accordance with the inspection fee schedule, WAC 296-46B-905. The amount of the fee due is calculated based on the fee effective at the date payment is made. If the project is required to have an electrical plan review, the plan review fees will be based on the fees effective at the date the plans are received by the department for review.

Permit - requirements for.

(8) As required by chapter 19.28 RCW or this chapter, an electrical work permit is required for the installation, alteration, or maintenance of all electrical systems except for: Travel trailers, or **like-in-kind replacement** of a: Circuit breaker, fuse, residential luminaire, lamp, snap switch, dimmer, receptacle outlet, thermostat, heating element, luminaire ballast with an exact same ballast, contactor, relay, timer, starter, circuit board, or similar control component, or 10 horsepower or smaller motor.

(9) An electrical work permit is required for all installations of telecommunications systems on the customer side of the network demarcation point for projects greater than ten telecommunications outlets. All backbone installations regardless of size and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations require permits and inspections. For the purposes of determining the inspection threshold for telecommunications projects greater than ten outlets, the following will apply:

(a) An outlet is the combination of jacks and mounting hardware for those jacks, along with the associated cable and telecommunications closet terminations, that serve one workstation. In counting outlets to determine the inspection threshold, one outlet must not be associated with more than six standard four-pair cables or more than one twenty-five-pair cable. Therefore, installations of greater than sixty standard four-pair cables or ten standard twenty-five-pair cables require permits and inspections. (It is not the intent of the statute to allow large masses of cables to be run to workstations or spaces serving telecommunications equipment without inspection. Proper cable support and proper loading of building structural elements are safety concerns. When considering total associated cables, the telecommunications availability at one workstation may count as more than one outlet.)

(b) The installation of greater than ten outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous ninety-day period requires a permit and inspection.

(c) All telecommunications installations within the residential dwelling units of single-family, duplex, and multifamily dwellings do not require permits or inspections. In residential multifamily dwellings, permits and inspections are required for all backbone installations, all fire barrier penetrations, and installations of greater than ten outlets in common areas.

(d) No permits or inspections are required for installation or replacement of cord and plug connected telecommunications equipment or for patch cord and jumper cross-connected equipment.

(e) Definitions of telecommunications technical terms will come from chapter 19.28 RCW, this chapter, TIA/EIA standards, and NEC.

Permit - inspection and approval.

(10) Requests for inspections must be made no later than three business days after completion of the electrical/telecommunications installation or one business day after any part of the installation has been energized, whichever occurs first. Inspections for annual electrical maintenance permits and annual telecommunications permits may be done on a regular schedule arranged by the permit holder with the department.

(11) Final inspection approval will not be made until all inspection fees are paid in full.

Permit - duration/refunds.

(12) Electrical work permits will expire one year after the date of purchase unless electrical work is actively and consistently in progress and inspections requested. Refunds are not available for:

(a) Expired electrical work permits;

(b) Electrical work permits where the electrical installation has begun; or

(c) Any electrical work permit where an electrical inspection or electrical inspection request has been made.

Permit - annual telecommunications.

(13) The chief electrical inspector can allow annual permits for the inspection of telecommunications installations to be purchased by a building owner or licensed electrical/telecommunications contractor. The owner's full-time telecommunications maintenance staff, or a licensed electrical/telecommunications contractor(s) can perform the work done under this annual permit. The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all the telecommunications work performed and the valid electrical or telecommunications contractor's license numbers for all contractors working under the permit.

Permit - annual electrical.

(14) The chief electrical inspector can allow annual permits for the inspection of electrical installations to be purchased by a building owner or licensed electrical contractor. This type of permit is available for commercial/industrial locations employing a full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor.

The permit holder is responsible for correcting all installation deficiencies. The permit holder must make available, to the electrical inspector, all records of all electrical work performed.

This type of electrical permit may be used for retrofit, replacement, maintenance, repair, upgrade, and alterations to electrical systems at a single plant or building location. This type of permit does not include new or increased service or new square footage.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311,

19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-900, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-905 Inspection fees. To calculate inspection fees, the amperage is based on the conductor ampacity or the overcurrent device rating. The total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) of this section, PROGRESS INSPECTIONS.

The amount of the fee due is calculated based on the fee effective at the date of a department assessed fee (e.g., plan review or fee due) or when the electrical permit is purchased.

(1) **Residential.**

(a) **Single- and two-family residential (new construction).**

Notes:

(1) Square footage is the area included within the surrounding exterior walls of a building exclusive of any interior courts. (This includes any floor area in an attached garage, basement, or unfinished living space.)

(2) "Inspected with the service" means that a separate service inspection fee is included on the same electrical work permit.

(3) "Inspected at the same time" means all wiring is to be ready for inspection during the initial inspection trip.

(4) An "outbuilding" is a structure that serves a direct accessory function to the residence, such as a pump house or storage building. Outbuilding does not include buildings used for commercial type occupancies or additional dwelling occupancies.

(i) First 1300 sq. ft.	$70.80
Each additional 500 sq. ft. or portion of	$22.70
(ii) Each outbuilding or detached garage - inspected at the same time as a dwelling unit on the property	$29.60
(iii) Each outbuilding or detached garage - inspected separately	$46.70
(iv) Each swimming pool - inspected with the service	$46.70
(v) Each swimming pool - inspected separately	$70.80
(vi) Each hot tub, spa, or sauna - inspected with the service	$29.60
(vii) Each hot tub, spa, or sauna - inspected separately	$46.70
(viii) Each septic pumping system - inspected with the service	$29.60
(ix) Each septic pumping system - inspected separately	$46.70

(b) **Multifamily residential and miscellaneous residential structures, services and feeders (new construction).**

Each service and/or feeder

Ampacity	Service/Feeder	Additional Feeder
0 to 200	$76.30	$22.70
201 to 400	$94.80	$46.70
401 to 600	$130.20	$64.90
601 to 800	$167.00	$89.00
801 and over	$238.10	$178.60

(c) **Single or multifamily altered services or feeders including circuits.**

(i) Each altered service and/or altered feeder

Ampacity	Service or Feeder
0 to 200	$64.90
201 to 600	$94.80
601 and over	$142.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)	$35.20

(d) **Single or multifamily residential circuits only (no service inspection).**

Note:

Altered or added circuit fees are calculated per panelboard. Total cost of the alterations in an individual panel should not exceed the cost of a complete altered service or feeder of the same rating, as shown in subsection (1) RESIDENTIAL (c) (table) of this section.

(i) 1 to 4 circuits (see note above)	$46.70
(ii) Each additional circuit (see note above)	$5.20

(e) **Mobile homes, modular homes, mobile home parks, and RV parks.**

(i) Mobile home or modular home service or feeder only	$46.70
(ii) Mobile home service and feeder	$76.30

(f) **Mobile home park sites and RV park sites.**

Note:

For master service installations, see subsection (2) COMMERCIAL/INDUSTRIAL of this section.

(i) First site service or site feeder	$46.70
(ii) Each additional site service; or additional site feeder inspected at the same time as the first service or feeder	$29.60

(2) **Commercial/industrial.**

(a) **New service or feeder, and additional new feeders inspected at the same time (includes circuits).**

Note:

For large COMMERCIAL/INDUSTRIAL projects that include multiple feeders, "inspected at the same time" can be interpreted to include additional inspection trips for a single project. The additional inspections must be for electrical work specified on the permit at the time of purchase. The permit fee for such projects must be calculated from (2)(a)(table) of this section. However, the total fee must not be less than the number of progress inspection (one-half hour) units times the progress inspection fee rate from subsection (8) PROGRESS INSPECTIONS of this section.

Service/feeders

Ampacity	Service/Feeder	Additional Feeder
0 to 100	$76.30	$46.70
101 to 200	$94.80	$59.40
201 to 400	$178.60	$70.80
401 to 600	$208.20	$83.20
601 to 800	$269.10	$113.30
801 to 1000	$328.50	$137.10
1001 and over	$358.40	$191.20

(b) **Altered services or feeders (no circuits).**

(i) Service/feeders

Ampacity	Service or Feeder
0 to 200	$76.30
201 to 600	$178.60
601 to 1000	$269.10
1001 and over	$298.90

(ii) Maintenance or repair of a meter or mast (no alterations to the service or feeder)	$64.90

(c) **Circuits only.**

Note:

Altered/added circuit fees are calculated per panelboard. Total cost of the alterations in a panel (or panels) should not exceed the cost of a new feeder (or feeders) of the same rating, as shown in subsection (2) COMMERCIAL/INDUSTRIAL (2)(a)(table) above.

(i) First 5 circuits per branch circuit panel	$59.40
(ii) Each additional circuit per branch circuit panel	$5.20
(d) **Over 600 volts surcharge per permit.**	$59.40

(3) **Temporary service(s).**

Note:

(1) See WAC 296-46B-527 for information about temporary installations.

(2) Temporary stage or concert inspections requested outside of normal business hours will be subject to the portal-to-portal hourly fees in subsection (11) OTHER INSPECTIONS. The fee for such after hours inspections shall be the greater of the fee from this subsection or the portal-to-portal fee.

Temporary services, temporary stage or concert productions.

Ampacity	Service or Feeder	Additional Feeder
0 to 60	$40.90	$21.00
61 to 100	$46.70	$22.70
101 to 200	$59.40	$29.60
201 to 400	$70.80	$35.30
401 to 600	$94.80	$46.70
601 and over	$107.50	$53.60

(4) **Irrigation machines, pumps, and equipment.**

Irrigation machines.

(a) Each tower - when inspected at the same time as a service and feeder from (2) COMMERCIAL/INDUSTRIAL	$5.20
(b) Towers - when not inspected at the same time as a service and feeders - 1 to 6 towers	$70.80
(c) Each additional tower	$5.20

(5) **Miscellaneous - commercial/industrial and residential.**

(a) **Low-voltage thermostats** controlling a single piece of utilization equipment.

(i) First thermostat	$35.30

(ii) Each additional thermostat inspected at the same time as the first $11.10

(b) **Low-voltage systems and telecommunications systems.** Includes all telecommunications installations, fire alarm and burglar alarm, nurse call, intercom, security systems, energy management control systems, HVAC/refrigeration control systems (other than thermostats above), industrial and automation control systems, lighting control systems, stand-alone sound systems, public address, and similar low-energy circuits and equipment.

(i) First 2500 sq. ft. or less $40.90

(ii) Each additional 2500 sq. ft. or portion thereof $11.10

(c) **Signs and outline lighting.**

(i) First sign (no service included) $35.30

(ii) Each additional sign inspected at the same time on the same building or structure $16.80

(d) **Berth at a marina or dock.**

Note:

Five berths or more shall be permitted to have the inspection fees based on appropriate service and feeder fees from section (2) COMMERCIAL/INDUSTRIAL (a) (i) above.

(i) Berth at a marina or dock $46.70

(ii) Each additional berth inspected at the same time $29.60

(e) **Yard pole, pedestal, or other meter loops only.**

(i) Yard pole, pedestal, or other meter loops only $46.70

(ii) Meters installed remote from the service equipment and inspected at the same time as a service, temporary service or other installations $11.10

(f) **Emergency inspections requested outside of normal working hours.**

Regular fee plus surcharge of: $89.00

(g) **Generators.**

Note:

Permanently installed generators: Refer to the appropriate residential or commercial new/altered service or feeder section.

Portable generators: Permanently installed transfer equipment for portable generators $64.90

(h) **Electrical - annual permit fee.**

Note:

See WAC 296-46B-900(14).

For commercial/industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. Note, all yearly maintenance contracts must detail the number of contractor electricians necessary to complete the work required under the contract. This number will be used as a basis for calculating the appropriate fee. Each inspection is based on a 2-hour maximum.

	Inspections	Fee
1 to 3 plant electricians	12	$1,710.80
4 to 6 plant electricians	24	$3,423.30
7 to 12 plant electricians	36	$5,134.60
13 to 25 plant electricians	52	$6,847.10
More than 25 plant electricians	52	$8,559.60

(i) **Telecommunications - annual permit fee.**

Note:

(1) See WAC 296-46B-900(13).

(2) Annual inspection time required may be estimated by the purchaser at the rate for "OTHER INSPECTIONS" in this section, charged portal-to-portal per hour.

For commercial/industrial location employing full-time telecommunications maintenance staff or having a yearly maintenance contract with a licensed electrical/telecommunications contractor.

2-hour minimum $141.60

Each additional hour, or portion thereof, of portal-to-portal inspection time $70.80

(j) **Permit requiring ditch cover inspection only.**

Each 1/2 hour, or portion thereof $35.30

(k) **Cover inspection for elevator/conveyance installation. This item is only available to a licensed/registered elevator contractor.** $59.40

(6) **Carnival inspections.**

(a) **First carnival field inspection each calendar year.**

(i) Each ride and generator truck $16.80

(ii) Each remote distribution equipment, concession, or gaming show $5.20

(iii) If the calculated fee for first carnival field inspection above is less than $89.00, the minimum inspection fee shall be: $89.00

(b) **Subsequent carnival inspections.**

(i) First ten rides, concessions, generators, remote distribution equipment, or gaming show $89.00

(ii) Each additional ride, concession, generator, remote distribution equipment, or gaming show $5.20

(c) **Concession(s) or ride(s) not part of a carnival.**

(i) First field inspection each year of a single concession or ride, not part of a carnival $70.80

(ii) Subsequent inspection of a single concession or ride, not part of a carnival $46.70

(7) **Trip fees.**

(a) Requests by property owners to inspect existing installations. (This fee includes a maximum of one hour of inspection time. All inspection time exceeding one hour will be charged at the rate for progressive inspections.) $70.80

(b) Submitter notifies the department that work is ready for inspection when it is not ready. $35.30

(c) Additional inspection required because submitter has provided the wrong address or incomplete, improper or illegible directions for the site of the inspection. $35.30

(d) More than one additional inspection required to inspect corrections; or for repeated neglect, carelessness, or improperly installed electrical work. $35.30

(e) Each trip necessary to remove a noncompliance notice. $35.30

(f) Corrections that have not been made in the prescribed time, unless an exception has been requested and granted. $35.30

(g) Installations that are covered or concealed before inspection. $35.30

(8) **Progress inspections.**

Note:

The fees calculated in subsections (1) through (6) of this section will apply to all electrical work. This section will be applied to a permit where the permit holder has requested additional inspections beyond the number supported by the permit fee calculated at the rate in subsections (1) through (6) of this section.

On partial or progress inspections, each 1/2 hour. $35.30

(9) **Plan review.**

Fee is thirty-five percent of the electrical work permit fee as determined by WAC 296-46-910, plus a plan review submission and shipping/handling fee of: $59.40

(a) Supplemental submissions of plans per hour or fraction of an hour of review time. $70.80

(b) Plan review shipping and handling fee. $16.80

(10) **Out-of-state inspections.**

(a) Permit fees will be charged according to the fees listed in this section.

(b) Travel expenses:

All travel expenses and per diem for out-of-state inspections are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in subsection (11) of this section.

(11) **Other inspections.**

Inspections not covered by above inspection fees must be charged portal-to-portal per hour: $70.80

(12) **Refund processing fee.**

All requests for permit fee refunds will be assessed a processing fee. (Refund processing fees will not be charged for electrical contractors, using the contractor deposit system, who request less than twenty-four refunds during a rolling calendar year.) $11.10

(13) **Variance request processing fee.**

Variance request processing fee. This fee is nonrefundable once the transaction has been validated. $70.80

(14) **Marking of industrial utilization equipment.**

(a) **Standard(s) letter review (per hour of review time).** $70.80

(b) **Equipment marking - charged portal-to-portal per hour:** $70.80

(c) **All travel expenses and per diem for in/out-of-state review and/or equipment marking are billed following completion of each inspection(s). These expenses can include, but are not limited to: Inspector's travel time, travel cost and per diem at the state rate. Travel time is hourly based on the rate in (b) of this subsection.**

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, and chapter 19.28 RCW. 03-18-089, § 296-46B-905, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-905, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-910 Electrical/telecommunications contractor's license, administrator certificate and examination, master electrician certificate and examination, temporary, electrician certificate and examination, temporary electrician permit, copy, and miscellaneous fees.

Notes: (1) The department will deny renewal of a license, certificate, or permit if an individual owes money as a result of an outstanding final judgment(s) to the department or is in revoked status. The department will deny application of a license, certificate, or permit if an individual is in suspended status.

(2) Certificates may be prorated for shorter renewal periods in one-year increments. Each year or part of a year will be calculated to be one year.

(3) The amount of the fee due is calculated based on the fee effective at the date payment is made.

(1) **General or specialty contractor's license. (Nonrefundable after license has been issued.)**
(a) **Per twenty-four-month period** $228.60
(b) **Reinstatement of a general or specialty contractor's license after a suspension** $45.90
(2) **Master electrician/administrator/electrician/trainee certificate.**
(a) **Examination application (nonrefundable)**
Administrator certificate examination application. (Required only for department administered examinations.) (Not required when testing with the department's contractor.) $28.40
(b) **Examination fees (nonrefundable)**
Note:
Normal examination administration is performed by a state authorized contractor. The fees for such examinations are set by contract with the department. For written examinations administered by the department, use the following fee schedule.
(i) Master electrician or administrator first-time examination fee (when administered by the department) $68.40
(ii) Master electrician or administrator retest examination fee (when administered by the department) $80.00
(iii) Journeyman or specialty electrician examination fee (first test or retest when administered by the department) $51.40
(iv) Certification examination review fee $105.90
(c) **Original certificates (nonrefundable after certificate has been issued)**
(i) Electrical administrator original certificate (except **09** telecommunication) $102.15
(ii) Telecommunications administrator original certificate (for **09** telecommunications) $68.10
(iii) Temporary specialty electrical administrator certificate (valid as allowed and described in WAC 296-46B-930(2)) (valid for twelve months) $62.45
(iv) Master electrician original certificate ("grandfather" request) $129.15
(v) Master electrician exam application (includes original certificate and application processing fee) **($28.40 is nonrefundable after application is submitted)** $130.55
(vi) Journeyman or specialty electrician application (includes original certificate and application processing fee) **($28.40 is nonrefundable after application is submitted)** $73.30
(vii) Training certificate $36.00
(A) 0% supervision modified training certificate. Includes trainee update of hours (i.e., submission of affidavit of experience) **($43.60 is nonrefundable after application is submitted)** $65.40
(B) 75% supervision modified supervision training certificate. $43.60
(C) Unsupervised training certificate as allowed by RCW 19.28.161 (4)(b). $21.80
(viii) Temporary electrician permit (valid as allowed and described in WAC 296-46B-940(27)) $22.70
(ix) Temporary specialty electrician permit (valid as allowed and described in WAC 296-46B-940(28)) **($28.40 is nonrefundable after the application for the original specialty electrician certificate is submitted) ($51.10 is nonrefundable after temporary permit is issued)** $96.00
(d) **Certificate renewal (nonrefundable)**
(i) Master electrician or administrator certificate renewal $129.15
(ii) Telecommunications **(09)** administrator certificate renewal $86.10
(iii) Late renewal of master electrician or administrator certificate $258.30
(iv) Late renewal of telecommunications **(09)** administrator certificate $172.20
(v) Journeyman or specialty electrician certificate renewal $68.10
(vi) Late renewal of journeyman or specialty electrician certificate $136.20
(vii) Trainee certificate renewal or update of hours (i.e., submission of affidavit of experience) $43.60
(e) **Reciprocal certificate (nonrefundable)**
(i) Master electrician reciprocal certificate $129.15
(ii) Journeyman or specialty electrician reciprocal certificate $73.30
(f) **Certificate - reinstatement (nonrefundable)**
(i) Reinstatement of a suspended master electrician or administrator's certificate (in addition to normal renewal fee) $45.90
(ii) Reinstatement of suspended journeyman, or specialty electrician certificate (in addition to normal renewal fee) $21.80
(g) **Assignment/unassignment of master electrician/administrator designation (nonrefundable)** $34.00
(3) **Certificate/license - replacement for lost or damaged certificate/license. (Nonrefundable.)** $15.00
(4) **Continuing education courses. (Nonrefundable.)**
(a) **Continuing education course submittal and approval (per course)** $43.70
(b) **Continuing education course renewal (per course)** $21.80
(5) **Copy fees. (Nonrefundable.)**
Certified copy of each document (maximum charge per file): $48.30
(a) First page: $21.80
(b) Each additional page: $2.00
(6) **Refund processing fee. (Nonrefundable.)** $11.10
(7) **Training school program review fees. Initial training school program review fee. (Nonrefundable.)**
(a) Initial training school program review fee submitted for approval. Valid for three years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)). $500.00
(b) Renewal of training school program review fee submitted for renewal. Valid for 3 years or until significant changes in program content or course length are implemented (see WAC 296-46B-971(4)). $250.00

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-910, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-911 Electrical testing laboratory fees.

The amount of the fee due is calculated based on the fee effective at the date payment is made.

Initial filing fee: (Nonrefundable)	$ 500.00
Initial accreditation fee:	
1 product category	$ 250.00
Each additional category for the next 19 categories	$ 100.00 each
Maximum for 20 categories or more	$2150.00
Renewal fee: (Nonrefundable)	50% of initial filing fee
Renewal of existing accreditations	
Each additional category for the next 19 categories	$ 100.00 each
Maximum for 20 categories or more	$2150.00

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-911, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-915 Civil penalty schedule.

Notes: (A) Each day that a violation occurs will be a separate offense.

(B) Once a violation of chapter 19.28 RCW or chapter 296-46B WAC becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the following tables.

(C) In case of continued, repeated or gross violation of the provisions of chapter 19.28 RCW or this chapter, or if property damage or bodily injury occurs as a result of the failure of a person, firm, partnership, corporation, or other entity to comply with chapter 19.28 RCW or this chapter the department may double the penalty amounts shown in subsections (1) through (13) of this section.

(D) A person, firm, partnership, corporation or other entity who violates a provision of chapter 19.28 RCW or chapter 296-46B WAC is liable for a civil penalty based upon the following schedule.

(E) The penalty amount will be waived for the first offense. If a subsequent offense occurs within a three-year period, the first offense penalty amount will be reinstated and immediately due and payable without further right of appeal.

(1) **Offering to perform, submitting a bid for, advertising, installing or maintaining cables, conductors or equipment:**
(a) That convey or utilize electrical current without having a valid electrical contractor's license.
(b) Used for information generation, processing, or transporting of signals optically or electronically in telecommunications systems without having a valid telecommunications contractor's license.

First offense:	$500
Second offense:	$1,500
Third offense:	$3,000
Each offense thereafter:	$6,000

(2) **Employing an individual for the purposes of chapter 19.28 RCW who does not possess a valid certificate of competency or training certificate to do electrical work.**

First offense:	$100 (see note E)
Each offense thereafter:	$500

(3) **Performing electrical work without having a valid certificate of competency or electrical training certificate.**

First offense:	$250
Each offense thereafter:	$500

(4) **Employing electricians and electrical trainees for the purposes of chapter 19.28 RCW in an improper ratio. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.**

First offense:	$250
Each offense thereafter:	$500

(5) **Failing to provide proper supervision to an electrical trainee as required by chapter 19.28 RCW. Contractors found to have violated this section three times in a three-year period must be the subject of an electrical audit in accordance with WAC 296-46B-975.**

First offense:	$250
Each offense thereafter:	$500

(6) **Working as an electrical trainee without proper supervision as required by chapter 19.28 RCW.**

First offense:	$50 (see note E)
Second offense:	$250
Each offense thereafter:	$500

(7) **Offering, bidding, advertising, or performing electrical or telecommunications installations, alterations or maintenance outside the scope of the firm's specialty electrical or telecommunications contractors license.**

First offense:	$500
Second offense:	$1,500
Third offense:	$3,000
Each offense thereafter:	$6,000

(8) **Selling or exchanging electrical equipment associated with spas, hot tubs, swimming pools or hydromassage bathtubs which are not listed by an approved laboratory.**

First offense:	$500
Second offense:	$1,000
Each offense thereafter:	$2,000

Definition: The sale or exchange of electrical equipment associated with hot tubs, spas, swimming pools or hydromassage bathtubs includes to: "Sell, offer for sale, advertise, display for sale, dispose of by way of gift, loan, rental, lease, premium, barter or exchange."

(9) **Covering or concealing installations prior to inspection.**

First offense:	$250 (see note E)
Second offense:	$1,000
Each offense thereafter:	$2,000

(10) **Failing to make corrections within fifteen days of notification by the department.**

Exception: Where an extension has been requested and granted, this penalty applies to corrections not completed within the extended time period.

First offense:	$250 (see note E)
Second offense:	$1,000
Each offense thereafter:	$2,000

(11) **Failing to obtain or post an electrical/telecommunications work permit prior to beginning the electrical/telecommunications installation or alteration.**

Exception: In cases of emergency repairs to existing electrical/telecommunications systems, this penalty will not be charged if the permit is obtained and posted no later than the business day following beginning work on the emergency repair.

First offense:	$250
Homeowner - First offense:	$50
Second offense:	$1,000
Each offense thereafter:	$2,000

(12) **Violating chapter 19.28 RCW duties of the electrical/telecommunications administrator.**

First offense:	$100 (see note E except for RCW 19.28.-061 (5)(a) or 19.28.430 (3)(a))
Second offense:	$750
Third offense:	$1,500
Each offense thereafter:	$3,000

(13) **Violating any of the provisions of chapter 19.28 RCW or chapter 296-46B WAC which are not identified in subsections (1) through (12) of this section.**
RCW 19.28.161 through 19.28.271 and the rules developed pursuant to them.

First offense:	$250
Each offense thereafter:	$500

All other chapter 19.28 RCW provisions and the rules developed pursuant to them.	
First offense:	$250
Second offense:	$750
Each offense thereafter:	$2,000

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-915, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-920 Electrical/telecommunications license/certificate types and scope of work. (1) **General electrical (01):** A general electrical license and/or certificate encompasses all phases and all types of electrical and telecommunications installations.

(2) All specialties listed in this subsection may perform the work described within their specific specialty as allowed by the occupancy and location described within the specialty's scope of work. **Specialty** (limited) electrical licenses and/or certificates are as follows:

(a) **Residential (02):** Limited to the telecommunications, low voltage, and line voltage wiring of one- and two-family dwellings, or multifamily dwellings not exceeding three floors above grade. All wiring is limited to nonmetallic sheathed cable, except for services and/or feeders, exposed installations where physical protection is required, and for wiring buried below grade.

(i) This specialty also includes the wiring for ancillary structures such as, but not limited to: Appliances, equipment, swimming pools, septic pumping systems, domestic water systems, limited energy systems (e.g., doorbells, intercoms, fire alarm, burglar alarm, energy control, HVAC/refrigeration, etc.), multifamily complex offices/garages, site lighting when supplied from the residence or ancillary structure, and other structures directly associated with the functionality of the residential units.

(ii) This specialty does not include wiring occupancies defined in WAC 296-46B-010(12), or commercial occupancies such as: Motels, hotels, offices, assisted living facilities, or stores.

(b) **Pump and irrigation (03):** Limited to the electrical connection of circuits, feeders, controls, low voltage, related telecommunications, and services to supply: Domestic and irrigation water pumps, circular irrigating system's pumps and pump houses.

This specialty may also perform the work defined in (c) of this subsection (see Table 920-1).

(c) **Domestic well (03A):** Limited to the extension of a branch circuit, which is supplied and installed by others, to signaling circuits, motor control circuits, motor control devices, and pumps which do not exceed 7 1/2 horsepower at 250 volts AC single phase used in residential potable water or residential sewage disposal systems.

(d) **Signs (04):** Limited to placement and connection of signs and outline lighting, the electrical supply, related telecommunications, controls and associated circuit extensions thereto; and the installation of a maximum 60 ampere, 120/240 volt single phase service to supply power to a remote sign only. This specialty may service, maintain, or repair exterior luminaires that are mounted on a pole or other structure with like-in-kind components.

(i) Electrical licensing/certification is not required to:

(A) Clean the nonelectrical parts of an electric sign;

(B) To form or pour a concrete pole base used to support a sign;

(C) To operate machinery used to assist an electrician in mounting an electric sign or sign supporting pole; or

(D) To assemble the structural parts of a billboard.

(ii) Electrical licensing/certification is required to: Install, modify, or maintain a sign, sign supporting pole, sign face, sign ballast, lamp socket, lamp holder, disconnect switch, or any other part of a listed electric sign.

(e) **Limited energy system (06):** Limited to the installation of signaling and power limited circuits and related equipment. This specialty is restricted to low-voltage circuits. This specialty includes the installation of telecommunications, HVAC/refrigeration low-voltage wiring, fire protection signaling systems, intrusion alarms, energy management and control systems, industrial and automation control systems, lighting control systems, commercial and residential amplified sound, public address systems, and such similar low-energy circuits and equipment in all occupancies and locations.

Limited energy electrical contractors may perform all telecommunications work under their specialty **(06)** electrical license and administrator's certificate.

On the effective date of this rule, any entity holding a currently valid electrical contractor's license, electrical administrator's certificate, master specialty electrician's certificate, or specialty electrician's certificate in this specialty will be issued combination specialty status for HVAC/refrigeration **(06A)** at no cost and without examination.

(f) **HVAC/refrigeration systems:**

(i) See WAC 296-46B-020 for specific HVAC/refrigeration definitions.

(ii) For the purposes of this section when a component is replaced, the replacement must be like-in-kind or made using the equipment manufacturer's authorized replacement component.

(iii) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may:

(A) Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all residential occupancies;

(B) Install, repair, replace, and maintain line voltage components within HVAC/refrigeration equipment. Such line voltage components include product illumination luminaires installed within and powered from the HVAC/refrigeration system (e.g., reach-in beverage coolers, frozen food cases, produce cases, etc.) and new or replaced factory authorized accessories such as internally mounted outlets;

(C) Repair, replace, or maintain the internal components of the HVAC/refrigeration equipment disconnecting means or controller so long as the disconnecting means or controller is not located within a motor control center or panelboard (see Figure 920-1 and Figure 920-2);

(D) Install, repair, replace, and maintain short sections of raceway to provide physical protection for low-voltage cables. For the purposes of this section a short section cannot

mechanically interconnect two devices, junction boxes, or other equipment or components; and

(E) Repair, replace, or maintain line voltage flexible supply whips not over six feet in length, provided there are no modifications to the characteristics of the branch circuit/feeder load being supplied by the whip. There is no limitation on the whip raceway method (e.g., metallic replaced by nonmetallic).

(iv) The HVAC/refrigeration specialties described in (f)(v) and (vi) of this subsection may not:

(A) Install line voltage controllers or disconnect switches external to HVAC/refrigeration equipment;

(B) Install, repair, replace, or maintain:

• Integrated building control systems, other than HVAC/refrigeration systems;

• Single stand-alone line voltage equipment or components (e.g., heat cable, wall heaters, radiant panel heaters, baseboard heaters, contactors, motor starters, and similar equipment) unless the equipment or component:

Is exclusively controlled by the HVAC/refrigeration system and requires the additional external connection to a mechanical system(s) (e.g., connection to water piping, gas piping, refrigerant system, ducting for the HVAC/refrigeration system, gas fireplace flume, ventilating systems, etc. (i.e., as in the ducting connection to a bathroom fan)). The external connection of the equipment/component to the mechanical system must be required as an integral component allowing the operation of the HVAC/refrigeration system; or

Contains a HVAC/refrigeration mechanical system(s) (e.g., water piping, gas piping, refrigerant system, etc.) within the equipment (e.g., "through-the-wall" air conditioning units, self-contained refrigeration equipment, etc.);

• Luminaires that serve as a building or structure lighting source, even if mechanically connected to a HVAC/refrigeration system (e.g., troffer luminaire used as a return air device, lighting within a walk-in cooler/freezer used for personnel illumination);

• Raceway/conduit systems;

• Line voltage: Service, feeder, or branch circuit conductors. However, if a structure's feeder/branch circuit supplies HVAC/refrigeration equipment containing a supplementary overcurrent protection device(s), this specialty may install the conductors from the supplementary overcurrent device(s) to the supplemental HVAC/refrigeration equipment if the supplementary overcurrent device and the HVAC/refrigeration equipment being supplied are located within sight of each other (see Figure 920-2); or

• Panelboards, switchboards, or motor control centers external to HVAC/refrigeration system.

(v) HVAC/refrigeration **(06A):**

(A) This specialty is not limited by voltage, phase, or amperage.

(B) No unsupervised electrical trainee can install, repair, replace, or maintain any part of a HVAC/refrigeration system that contains any circuit rated over 600 volts whether the circuit is energized or deenergized.

(C) This specialty may:

• Install HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies:

That have no more than three floors on/above grade; or

Regardless of the number of floors above grade if the installation:

• Does not pass between floors;

• Is made in a previously occupied and wired space; and

• Is restricted to the HVAC/refrigeration system;

• Repair, replace, and maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in all occupancies regardless of the number of floors on/above grade.

(D) This specialty may not install, repair, replace, or maintain: Any electrical wiring governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations) located outside the HVAC/refrigeration equipment.

(vi) HVAC/refrigeration - restricted **(06B):**

(A) This specialty may not perform any electrical work where the primary electrical power connection to the HVAC/refrigeration system exceeds: 250 volts, single phase, or 120 amps.

(B) This specialty may install, repair, replace, or maintain HVAC/refrigeration: Telecommunications, Class 2 low-voltage control circuit wiring/components in other than residential occupancies that have no more than three floors on/above grade.

(C) This specialty may not install, repair, replace, or maintain:

• The allowed telecommunications/low-voltage HVAC/refrigeration wiring in a conduit/raceway system; or

• Any electrical work governed under article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

Place illustration here.

Place illustration here.

(g) **Nonresidential maintenance (07):** Limited to maintenance, repair and replacement of like-in-kind existing electrical equipment and conductors on industrial or commercial premises. This specialty does not include maintenance activities in residential dwellings defined in (a) of this subsection for the purposes of accumulating training experience toward qualification for the residential **(02)** specialty electrician examination.

This specialty may perform the work defined in (h), (i), (j), (k), and (l) of this subsection (see Table 920-1).

(h) **Nonresidential lighting maintenance and lighting retrofit (07A):** Limited to working within the housing of existing nonresidential luminaires for work related to repair, service, maintenance of luminaires and installation of energy efficiency lighting retrofit upgrades. This specialty includes replacement of lamps, ballasts, sockets and the installation of listed lighting retrofit reflectors and kits. All work is limited to the luminaire body, except remote located ballasts may be replaced or retrofitted with approved products. This specialty does not include installing new luminaires or branch circuits; moving or relocating existing luminaires; or altering existing branch circuits.

(i) **Residential maintenance (07B):** This specialty is limited to residential dwellings as defined in WAC 296-46B-920 (2)(a), multistory dwelling structures with no commercial facilities, and the interior of dwelling units in multistory structures with commercial facilities. This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900.

This specialty is limited to equipment and circuits to a maximum of 250 volts, 60 amperes, and single phase maximum.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit or whip.

For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

(j) **Restricted nonresidential maintenance (07C):** This specialty may maintain, repair, or replace (like-in-kind) existing luminaires, water heating equipment, ranges, electric heaters, similar household type appliances, and all permit exempted work as defined in WAC 296-46B-900 except for the replacement or repair of circuit breakers.

This specialty is limited to equipment and circuits to a maximum of 277 volts and 20 amperes for lighting branch circuits only and/or maximum 250 volts and 60 amperes for other circuits.

The replacement of luminaires is limited to in-place replacement required by failure of the luminaire to operate. Luminaires installed in suspended lay-in tile ceilings may be relocated providing: The original field installed luminaire supply whip is not extended or relocated to a new supply point; or if a manufactured wiring assembly supplies luminaire power, a luminaire may be relocated no more than eight feet providing the manufactured wiring assembly circuiting is not changed.

This specialty may disconnect and reconnect low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit. For the purpose of this specialty, "electrical equipment" does not include electrical conductors, raceway or conduit systems external to the equipment or whip.

This specialty may perform the work defined in (h) and (i) of this subsection (see Table 920-1).

This specialty cannot perform any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(k) **Appliance repair (07D):** Servicing, maintaining, repairing, or replacing household appliances, small commercial/industrial appliances, and other small utilization equipment.

(i) For the purposes of this subsection:

(A) The appliance or utilization equipment must be self-contained and built to standardized sizes or types. The appliance/equipment must be connected as a single unit to a single source of electrical power limited to a maximum of 250 volts, 60 amperes, single phase.

(B) Appliances and utilization equipment include, but are not limited to: Dish washers, ovens, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, grinders, and scales.

(C) Appliances and utilization equipment do not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps, sewage disposal equipment, door/gate/similar equipment, or individual components installed so as to create a system (e.g., pumps, switches, controllers, etc.).

(ii) This specialty includes:

(A) The in-place like-in-kind replacement of the appliance or equipment if the same unmodified electrical circuit is used to supply the equipment being replaced. This specialty also includes the like-in-kind replacement of electrical components within the appliance or equipment;

(B) The disconnection and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit; and

(C) The installation of an outlet box and outlet at an existing appliance or equipment location when converting the appliance from a permanent electrical connection to a plug and cord connection. Other than the installation of the outlet box and outlet, there can be no modification to the existing branch circuit supplying the appliance or equipment.

(iii) This specialty does not include:

(A) The installation, repair, or modification of branch circuits conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple appliances, equipment, or other electrical components.

(B) Any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations).

(l) **Equipment repair (07E):** Servicing, maintaining, repairing, or replacing utilization equipment.

(i) For the purposes of this subsection:

(A) The utilization equipment must be:

Self-contained on a single skid or frame;

Factory built to standardized sizes or types;

Connected as a single unit to a single source of electrical power limited to a maximum of 600 volts. The equipment may also be connected to a separate single source of electrical control power limited to a maximum of 250 volts; and

Listed or field evaluated by a laboratory or approved by the department under WAC 296-46B-030. See WAC 296-46B-430 for additional information on motors.

(B) Equipment includes, but is not limited to: Household type appliances, water heating equipment, office equipment, vehicle repair equipment, commercial kitchen equipment, self-contained hot tubs and spas, motors, pumps, grinders, scales, vehicle repair equipment, welders, air compressors, blowers, dryers, cranes/lifts, kilns, commercial/industrial utilization equipment, commercial/industrial water processing equipment, and similar utilization equipment.

(C) Equipment does not include systems and equipment such as: Alarm/energy management/similar systems, luminaires, furnaces/heaters/air conditioners/heat pumps used for the conditioning of occupant air, or door/gate/similar equipment.

(ii) This specialty includes:

(A) The in-place, like-in-kind replacement of the equipment if the same unmodified electrical circuit is used to supply the equipment being replaced;

(B) The in-place, like-in-kind replacement or repair of electrical components within the equipment;

(C) The in-place, like-in-kind replacement or repair of remote control components that are integral to the operation of the equipment (e.g., telemetry-signaling devices, pressure switches, limit switches, photoelectric sensors, etc.); or

(D) The disconnection, replacement, and reconnection of low-voltage control and line voltage supply whips not over six feet in length provided there are no modifications to the characteristics of the branch circuit.

(iii) This specialty does not include the installation, repair, or modification of wiring that interconnects equipment and/or remote components, branch circuit conductors, services, feeders, panelboards, disconnect switches, or raceway/conductor systems interconnecting multiple equipment or other electrical components.

(m) **Telecommunications (09):** Limited to the installation, maintenance, and testing of telecommunications systems, equipment, and associated hardware, pathway systems, and cable management systems.

(i) This specialty includes:

(A) Installation of open wiring systems of telecommunications cables.

(B) Surface nonmetallic raceways designated and used exclusively for telecommunications.

(C) Optical fiber innerduct raceway.

(D) Underground raceways designated and used exclusively for telecommunications and installed for additions or extensions to existing telecommunications systems not to exceed fifty feet inside the building.

(E) Incidental short sections of circular or surface metal raceway, not to exceed ten feet, for access or protection of telecommunications cabling and installation of cable trays and ladder racks in telecommunications service entrance rooms, spaces, or closets.

(F) Audio or paging systems where the amplification is integrated into the telephone system equipment.

(G) Audio or paging systems where the amplification is provided by equipment listed as an accessory to the telephone system equipment and requires the telephone system for the audio or paging system to function.

(H) Closed circuit video monitoring systems if there is no integration of line or low-voltage controls for cameras and equipment. Remote controlled cameras and equipment are considered (intrusion) security systems and must be installed by appropriately licensed electrical contractors and certified electricians.

(ii) This specialty does not include horizontal cabling used for fire protection signaling systems, intrusion alarms, access control systems, patient monitoring systems, energy management control systems, industrial and automation control systems, HVAC/refrigeration control systems, lighting control systems, and stand-alone amplified sound or public address systems. Telecommunications systems may interface with other building signal systems including security, alarms, and energy management at cross-connection junctions within telecommunications closets or at extended points of demarcation. Telecommunications systems do not include the installation or termination of premises line voltage service, feeder, or branch circuit conductors or equipment. Horizontal cabling for a telecommunications outlet, necessary to interface with any of these systems outside of a telecommunications closet, is the work of the telecommunications contractor.

(n) **Door, gate, and similar systems (10):** This specialty may install, service, maintain, repair, or replace door/gate/similar systems electrical operator wiring and equipment.

(i) For the purposes of this subsection, door/gate/similar systems electrical operator systems include electric gates, doors, windows, awnings, movable partitions, curtains and similar systems. These systems include, but are not limited to: Electric gate/door/similar systems operators, control push buttons, key switches, key pads, pull cords, air and electric treadle, air and electric sensing edges, coil cords, take-up reels, clocks, photo electric cells, loop detectors, motion detectors, remote radio and receivers, antenna, timers, lockout switches, stand-alone release device with smoke detection, strobe light, annunciator, control panels, wiring and termination of conductors.

(ii) This specialty includes:

(A) Low-voltage, NEC Class 2, door/gate/similar systems electrical operator systems where the door/gate/similar systems electrical operator system is not connected to other systems.

(B) Branch circuits originating in a listed door/gate/similar systems electric operator control panel that supplies only door/gate/similar systems system components providing: The branch circuit does not exceed 600 volts, 20 amperes and the component is within sight of the listed door/gate/similar systems electric operator control panel.

(C) Reconnection of line voltage power to a listed door/gate/similar systems electric operator control panel is permitted provided:

• There are no modifications to the characteristics of the branch circuit/feeder;

• The circuit/feeder does not exceed 600 volts, 20 amperes; and

• The conductor or conduit extending from the branch circuit/feeder disconnecting means or junction box does not exceed six feet in length.

(iii) This specialty does not include any work governed under Article(s) 500, 501, 502, 503, 504, 505, 510, 511, 513, 514, 515, or 516 NEC (i.e., classified locations). This specialty may not install, repair, or replace branch circuit (line voltage) conductors, services, feeders, panelboards, or disconnect switches supplying the door/gate/similar systems electric operator control panel.

(3) A specialty electrical contractor, other than the **(06)** limited energy specialty electrical contractor, may only perform telecommunications work within the equipment or occupancy limitations of their specialty electrical contractor's license. Any other telecommunications work requires a telecommunications contractor's license.

Table 920-1 Allowed Scope of Work Crossover
Place illustration here.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-920, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-925 Electrical/telecommunications contractor's license. General.

(1) The department will issue an electrical/telecommunications contractor's license that will expire twenty-four months following the date of issue to a person, firm, partnership, corporation or other entity that complies with requirements for such license in chapter 19.28 RCW. An electrical/telecommunications contractor's license will not be issued to or renewed for a person, firm, or partnership unless the Social Security number, date of birth, and legal address of the individual legal owner(s) are submitted with the application. The department may issue an electrical/telecommunications contractor's license for a period greater or less than twenty-four months for the purpose of equalizing the number of electrical contractor's licenses that expire each month. The department may prorate the electrical/telecommunications contractor's license fee according to the license period.

(2) Combination specialty contractor's license. The department may issue a combination specialty contractor's license to a firm that qualifies for more than one specialty electrical contractor's license. The assigned administrator must be certified in all specialties applicable to the combination specialty contractor's license. The license will plainly indicate the specialty licenses' codes included in the combination license. An administrator assigned to a telecommunications contractor must be certified as a telecommunications administrator. A combination license will not be issued for telecommunications **(09).**

(3) The department may deny renewal of an electrical/telecommunications contractor's license if a firm, an owner, partner, member, or corporate officer owes money as a result of an outstanding final judgment(s) to the department.

Electrical/telecommunications contractor cash or securities deposit.

(4) Cash or securities deposit. The electrical/telecommunications contractor may furnish the department with a cash or security deposit to meet the bond requirements in lieu of posting a bond. A cash or security deposit assigned to the department for bond requirements will be held in place for one year after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as an electrical/telecommunications contractor. Upon written request, the cash or security deposit will then be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Telecommunications contractor insurance.

(5) To obtain a telecommunications contractor's license, the applicant must provide the department with an original certificate of insurance naming the department of labor and industries, electrical section as the certificate holder. Insurance coverage must be no less than twenty thousand dollars for injury or damages to property, fifty thousand dollars for injury or damage including death to any one person, and one hundred thousand dollars for injury or damage including death to more than one person. The insurance will be considered a continuing obligation unless canceled by the insurance company. The insurance company must notify the department in writing ten days prior to the effective date of said cancellation or failure to renew.

(6) The telecommunications contractor may furnish the department with an assigned account to meet the insurance requirements in lieu of a certificate of insurance. An account assigned to the department for insurance requirements will be held in place for three years after the contractor's license is expired, revoked, or the owner notifies the department in writing that the company is no longer doing business in the state of Washington as a telecommunications contractor. Upon written request, the account then will be released by the department providing there is no pending legal action against the contractor under chapter 19.28 RCW of which the department has been notified.

Electrical/telecommunications contractor exemptions.

(7) The following types of systems and circuits are considered exempt from the requirements for licensing and permitting described in chapter 19.28 RCW. The electrical failure of these systems does not inherently or functionally compromise safety to life or property.

Low-voltage thermocouple derived circuits and low-voltage circuits for:

(a) Built-in residential vacuum systems;

(b) Underground landscape sprinkler systems;

(c) Underground landscape lighting; and

(d) Residential garage doors.

For these types of systems and circuits to be considered exempt, the following conditions must be met:

(e) The power supplying the installation must be derived from a listed Class 2 power supply;

(f) The installation and termination of line voltage equipment and conductors supplying these systems is performed by appropriately licensed and certified electrical contractors and electricians;

(g) The conductors of these systems do not pass through fire-rated walls, fire-rated ceilings or fire-rated floors in other than residential units; and

(h) Conductors or luminaires are not installed in installations covered by the scope of Article 680 NEC (swimming pools, fountains, and similar installations).

(8) Firms who clean and/or replace lamps in luminaires are not included in the requirements for licensing in chapter 19.28 RCW. This exemption does not apply to electric signs as defined in the NEC.

(9) Firms who install listed plug and cord connected equipment are not included in the requirements for licensing in chapter 19.28 RCW. The plug and cord must be a single listed unit consisting of a molded plug and cord and not exceed 250 volt 60 ampere single phase. The plug and cord can be field installed per the manufacturer's instructions and the product listing requirements. The equipment must be a single manufactured unit that does not require any electrical field assembly except for the installation of the plug and cord.

(10) Firms regulated by the Federal Communications Commission or the utilities and transportation commission, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(11) Unregulated firms, supplying telecommunications service to an end-user's property, are not required to be licensed as a telecommunications contractor under chapter 19.28 RCW for telecommunications installations made ahead of the telecommunications network demarcation point.

(12) Leaseholders. For electrical installations, maintenance, or alterations to existing buildings only, any person, firm, partnership, corporation, or other entity holding a valid, signed lease from the property owner authorizing the leaseholder to perform electrical work, on the property the leaseholder occupies, will be allowed to purchase an electrical permit(s) and do electrical work on or within the property described in the lease. The lessee and/or his or her regularly employed employees must perform the electrical installation, maintenance and alteration.

The lessee who performs the electrical maintenance or installation work must be the sole occupant of the property or space. Property owners or leaseholders cannot perform electrical work on new buildings for rent, sale, or lease, without the proper electrical licensing and certification. Refer to RCW 19.28.261 for exemptions from licensing and certification.

(13) Assisting a householder. A friend, neighbor, relative, or other person (including a certified electrician) may assist a householder, at his/her residence in the performance of electrical work on the condition that the householder is present when the work is performed and the person assisting the householder does not accept money or other forms of compensation for the volunteer work. For the purposes of this subsection, a residence is a single-family residence.

(14) Volunteering to do electrical work. There are no exceptions from the electrical contractor's license or electrician certification requirements to allow persons to perform volunteer electrical work for anyone other than a householder.

Volunteering for nonprofit organizations such as churches, senior centers, etc., is generally not allowed. Volunteering for these types of organizations may be allowed under the following guidelines:

(a) A local nonprofit organization, whose members own the building or structure, may solicit a volunteer electrical contractor to oversee the electrical installation. The organization's members or other persons may volunteer to perform electrical work for the organization, under the supervision of the volunteer electrical contractor, if they are properly certified by the department as electricians or trainees.

(b) The volunteer electrical contractor and its administrator will be responsible to maintain proper ratio, per RCW 19.28.161, of certified electricians to certified trainees on the job site at all times. The volunteer electrical contractor must either provide on-site supervision or designate one of the volunteer electricians as the on-site supervisor.

(c) The volunteer electrical contractor must purchase the electrical work permit, and ensure that the electrical installation is in compliance with the requirements of chapter 19.28 RCW and chapter 296-46B WAC.

(15) Farms or place of business. See RCW 19.28.261 for licensing/certification exemptions allowed for the owner(s) of a farm or other place of business and for the employees of the owner.

Exemptions - electrical utility and electrical utility's contractor.

(16) Electrical utility system exemption. Neither a serving electrical utility nor a contractor employed by the serving electrical utility is required to have an electrical contractor's license for work on the "utility system" or on service connections or on meters and other apparatus or appliances used to measure the consumption of electricity.

(a) Street lighting exemption. A serving electrical utility is not required to have an electrical contractor's license or electrical permit to work on electrical equipment used in the lighting of streets, alleys, ways, or public areas or squares.

Utilities are allowed to install outside area lighting on privately owned property where the lighting fixture(s) is installed on a utility owned pole(s) used to support utility owned electric distribution wiring or equipment designed to supply electrical power to a customer's property.

Utilities are allowed to install area lighting outside and not attached to a building or other customer owned structure when the areas are outside publicly owned buildings such as: Publicly owned/operated parking lots, parks, schools, play fields, beaches, and similar areas; or the areas are privately owned where the public has general, clear and unrestricted access such as: Church parking lots, and commercial property public parking areas and similar areas.

Utilities are not allowed to install area lighting when the area is privately owned and the public does not have general, clear, and unrestricted access such as industrial property, residential property and controlled commercial property where the public's access is otherwise restricted.

Utilities are not allowed to install area lighting where the lighting is supplied from a source of power derived from a customer owned electrical system.

(b) Customer-owned equipment exemption. A serving electrical utility is not required to have an electrical contractor's license to work on electrical equipment owned by a commercial, industrial, or public institution customer if:

(i) The utility has not solicited such work; and

(ii) Such equipment:

(A) Is located outside a building or structure; and

(B) The work performed is on the primary side of the customer's transformer(s) which supplies power at the customer's utilization voltage.

(c) Exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installations thereof that are exempted by RCW 19.28.091.

(d) Exemption from inspection.

(i) The work of a serving electrical utility and its contractors on the utility system is not subject to inspection. The utility is responsible for inspection and approval for the installation.

(ii) Work exempted by NEC 90.2 (B)(5), 1981 edition, is not subject to inspection.

Exemptions - electrical utility telecommunications transition equipment installations, maintenance and repair.

(17) Until July 1, 2004, no license, inspection or other permit will be required by the department of any electric util-

ity or, of any person, firm, partnership or corporation or other entity employed or retained by an electric utility or its contractor, because of work in connection with the installation, maintenance, or repair of telecommunications transition equipment located ahead of the utility's telecommunications network demarcation point on the outside of a building or other structure when the work is performed by a qualified person consistent with the requirements of the National Electric Code (NEC) except as provided in (a) and (b) of this subsection:

(a) The following exceptions to the NEC shall be permitted:

(i) An additional service disconnect supplying power to the transition equipment can be connected on the supply side of the main service disconnect supplying general power to the building;

(ii) Service entrance disconnects may be separated when clearly labeled;

(iii) The service disconnect used for supplying power to the transition equipment must be connected to the grounding electrode system using:

(A) # 8 AWG copper or larger grounding electrode conductor if protected from physical damage; or

(B) # 6 AWG copper or larger grounding electrode conductor if not protected from physical damage;

(iv) Use of equipment or materials that have been listed/field evaluated by a recognized independent testing laboratory or the department;

(v) Low-voltage circuits do not require a separate disconnecting means and may be grounded to the transition equipment grounding system;

(vi) Any other variance to the NEC must be approved by the department.

(b) A variance recommended by a joint utility standards group composed of representatives of both public and private utilities or certified by a professional engineer will be approved by the department unless the recommendation is inconsistent with meeting equivalent objectives for public safety.

(c) For the purposes of this section, a qualified worker is employed by a utility or its contractor and is familiar with the construction or operation of such lines and/or equipment that concerns his/her position and who is proficient with respect to the safety hazards connected therewith, or, one who has passed a journey status examination for the particular branch of the electrical trades with which he/she may be connected or is in a recognized training or apprenticeship course and is supervised by a journey level person.

(d) Although the utility is responsible for inspection and approval of the installation, including the selection of material and equipment, the department reserves the right to audit worker qualifications and inspect such installations semiannually for conformance with the requirements of (a), (b) and (c) of this subsection but shall not collect a permit fee for such inspection or audit.

(e) If a utility fails to meet the requirements of this section, the department may require the utility to develop and submit a remedial action plan and schedule to attain compliance with this section which may be enforced by the department.

(f) This exemption shall be in addition to any other exemption provided in chapter 19.28 RCW, this chapter or other applicable law.

Exemptions - independent electrical power production equipment exemption.

(18) An independent electrical power production entity is not required to have an electrical contractor's license to work on electrical equipment used to produce or transmit electrical power if:

(a) The entity is:

(i) The owner or operator of the generating facility is regulated by the Federal Energy Regulatory Commission (FERC);

(ii) A municipal utility, or other form of governmental electric utility, or by an electrical cooperative or mutual corporation; or

(iii) The owner or operator of the generating facility and:

Is an independent electrical power producer and the facility generates electrical power only for sale to one or more:

• Electrical utilities regulated by FERC, municipal utility, or other form of governmental utility, or to an electric cooperative or mutual corporation; and

• The electrical power generated by the facility is not used for self-generation or any other on- or off-site function other than sale to one or more utilities regulated by FERC or by one or more state public utilities commissions, or to a PUD, municipal utility, or other form of governmental electric utility, or to an electric cooperative or mutual corporation.

(b) The entity has entered into an agreement to sell electricity to a utility or to a third party; and

(c) The electrical equipment is used to transmit electricity from the terminals of an electrical generating unit located on premises to the point of interconnection with a utility system.

(d) Notwithstanding that a generating facility may be granted an exemption pursuant to this section, the facility will be subject to all the requirements of chapter 19.28 RCW if the facility at any time in the future ceases to comply with the requirements for exemption. All site facilities not exclusively and directly required to generate and/or distribute the electrical power generated on the site are subject to all the licensing and inspection requirements of chapter 19.28 RCW. All facility services, feeders, and circuits not exclusively and directly required to generate and/or distribute the electrical power (e.g., lights, outlets, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection. Facility circuits supplied to equipment required for the function of generation equipment (e.g., block heaters, power supplies, etc.) must comply with all requirements of chapter 19.28 RCW for licensing and inspection up to and including the equipment termination point.

Exemptions - telegraph and telephone utility and telegraph and telephone utility's contractor.

(19) Telegraph and telephone utility exempted equipment and installations. No person, firm, partnership, corporation, or other entity is required to have an electrical contractor's license for work on electrical equipment and installa-

tions thereof that are exempted by RCW 19.28.151. For the purposes of this exemption, "building or buildings used exclusively for that purpose" may mean any separate building or space of a building where the space is separated from the remainder of the building by a two-hour fire wall. The telecommunications or telegraph equipment within such a space must supply telephone or telegraph service to other customer's buildings (i.e., telecommunications or telegraph equipment cannot solely supply the building containing the telephone/telegraph space).

Exemptions - manufacturers of electrical/telecommunications products.

(20) Manufacturers of electrical/telecommunications systems products will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing:

(a) Provided the product:

(i) Has not been previously energized;

(ii) Has been recalled by the Consumer Product Safety Commission;

(iii) Is within the manufacturer's written warranty period; or

(iv) The manufacturer is working under the written request and supervision of an appropriately licensed electrical contractor.

(b) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring.

(c) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory.

(d) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(21) Premanufactured electric power generation equipment assemblies and control gear.

(a) Manufacturers of premanufactured electric power generation equipment assemblies and control gear will be allowed to utilize a manufacturer's authorized factory-trained technician to perform initial calibration, testing, adjustment, modification incidental to the startup and checkout of the equipment, or replacement of components within the confines of the specific product, without permit or required licensing, provided:

(i) For transfer equipment, the product has not been previously energized or is within the manufacturer's written warranty period;

(ii) Modifications to the equipment, as designated above, must not include any changes to the original intended configuration nor changes or contact with external or field-connected components or wiring;

(iii) The manufacturer will be responsible for obtaining any required reapproval/recertification from the original listing or field evaluation laboratory; or

(iv) The manufacturer must notify the department if any modifications have been made or reapproval/recertification is required.

(b) Premanufactured electric power generation equipment assemblies are made up of reciprocating internal combustion engines and the associated control gear equipment. Control gear equipment includes control logic, metering, and annunciation for the operation and the quality of power being generated by the reciprocating internal combustion engine and does not have the function of distribution of power.

(c) Modifications of a transfer switch must not include changes to the original intended configuration or changes or contact with externally field-connected components.

(d) For the purposes of this subsection, the following work on premanufactured electric power generation equipment assemblies is not exempt from the requirements of chapter 19.28 RCW:

(i) Installation or connection of conduit or wiring between the power generation unit, transfer switch, control gear;

(ii) Installation of the transfer switch;

(iii) Connections between the power generation unit, transfer switch, control gear, and utility's transmission or distribution systems;

(iv) Connections between the power generation unit, transfer switch, control gear, and any building or structure; or

(v) Test connections with any part of:

(A) The utility's transmission or distribution system; or

(B) The building or structure.

(22) The installation, maintenance, or repair of a medical device deemed in compliance with chapter 19.28 RCW is exempt from licensing requirements under RCW 19.28.091, certification requirements under RCW 19.28.161, and inspection and permitting requirements under RCW 19.28.-101. This exemption does not include work providing electrical feeds into the power distribution unit or installation of conduits and raceways. This exemption covers only those factory engineers or third-party service companies with equivalent training who are qualified to perform such service.

(23) Nothing in this section will alter or amend any other exemptions from or requirement for licensure or inspection, chapter 19.28 RCW or this chapter.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-925, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-930 Assignment—Administrator or master electrician. (1) An administrator or master electrician designated on the electrical/telecommunications contractor's license must be a member of the firm who fulfills the duties of an assigned master electrician/administrator as required in RCW 19.28.061(5), or be a full-time supervisory employee. In determining whether the individual is a member of the firm, the department will require that the individual is named as:

(a) The sole proprietor;

(b) A partner on file with the department of licensing; or

(c) A member of an LLC on file with the secretary of state.

In determining whether an individual is a full-time supervisory employee, the department will consider whether the individual is on the electrical/telecommunications contractor's full-time payroll; receives a regular salary or wage similar to other employees; has supervisory responsibility for work performed by the electrical/telecommunications contractor, and carries out the duties shown in chapter 19.28 RCW.

(2) A firm may designate certain temporary specialty administrator(s) to satisfy the requirements of RCW 19.28.041 and 19.28.061 under the guidelines described in Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

Table 930-1 - Temporary Specialty Administrator Application/Enforcement Procedure

SPECIALTIES OPEN FOR ASSIGNING TEMPORARY SPECIALTY ADMINISTRATOR	• Domestic well **(03A),** • HVAC/refrigeration - restricted **(06B),** • Nonresidential maintenance **(07),** • Nonresidential lighting maintenance **(07A),** • Residential maintenance **(07B),** • Restricted nonresidential maintenance **(New - 07C),** • Appliance repair **(New - 07D),** • Equipment repair **(New - 07E),** • Door, gate and similar systems **(10).**
Last date to submit application for temporary administrator	July 31, 2004.(2), (3)
Required business status in the contracting specialty	Chapter 18.27 RCW contractor registration, chapter 19.28 RCW electrical contractor's license, or appropriate Washington business license (effective at any time between January 1, 2002 and September 1, 2002).
Minimum previous experience for firm making temporary designation	N/A
Begin interim enforcement	Effective date of this chapter.(1)
Begin full enforcement	August 1, 2004.(1)
Must pass specialty administrator examination no later than:	Twelve months after submitting temporary specialty administrator assignment.(3)

Notes:

(1) See Figure 955-1 for enforcement procedures.

(2) To qualify for a temporary specialty administrator certificate, the following must be submitted to the department: Complete contractor's application package, complete temporary specialty administrator's application, complete Assignment of Temporary Specialty Administrator's Certificate form, and all appropriate fees. Fees will be prorated from the three-year amount required in WAC 296-46B-910.

(3) A firm may only designate a single individual as a temporary administrator in a specialty.

(4) An individual may not receive a temporary specialty administrator certificate if the individual has previously held any type of administrator certificate in that specialty.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, and chapter 19.28 RCW. 03-18-089, § 296-46B-930, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-930, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-935 Administrator certificate. General.

(1) The department will deny renewal of a certificate if an individual owes money as a result of an outstanding final judgment(s) to the department.

(2) For special accommodation see WAC 296-46B-960.

(3) An applicant will not be issued a specialty administrator certificate that is a subspecialty of a certificate the applicant currently holds (i.e., the applicant is not eligible to take the domestic well administrator examination if the applicant currently possesses a pump and irrigation administrator certificate).

Qualifying for examination.

(4) There are no qualification requirements for taking an administrator certificate examination. Applicants should contact the testing agency directly.

Original - administrator certificates.

(5) The scope of work for electrical administrators is described in WAC 296-46B-920. The department will issue an original administrator certificate to a general administrator, or specialty administrator who:

(a) Successfully completes the appropriate administrator examination; and

(b) Submits the appropriate examination passing report from the testing agency with the applicant's: Date of birth, mailing address, and Social Security number; and

(c) Pays all appropriate fees as listed in WAC 296-46B-910.

An individual's original administrator certificate will expire on their birth date at least one year, and not more than three years, from the date of original issue.

Combination - specialty administrator certificate.

(6) The department may issue a combination specialty administrator certificate to an individual who qualifies for more than one specialty administrators' certificate. The combination specialty administrators' certificate will plainly indicate the specialty administrator's certificate(s) the holder has qualified for. Telecommunications cannot be issued a combination because the renewal requirements are different from those required for electrical administrators. Temporary administrator certificates will not be issued as a part of a combination certificate.

Renewal - administrator certificate.

(7) An individual must apply for renewal of their administrator certificate before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years, with the exception of telecommunications administrators, who will be renewed for two years.

(8) An individual may renew their administrator certificate within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(9) All renewals received more than ninety days after the expiration date of the certificate will be denied. The administrator will be required to pass the appropriate administrator examination before being recertified.

(10) All applicants for certificate renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees as listed in WAC 296-46B-910; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate, the individual's certificate may be suspended or revoked.

Telecommunications administrators are not required to provide continuing education information.

(11) An individual who has not completed the required hours of continuing education can renew an administrator's certificate if the individual applies for renewal before the certificate expires and pays the appropriate renewal fee. However, the certificate will be placed in an inactive status.

When the certificate is placed in inactive status, an assigned administrator will be automatically unassigned from the electrical contractor. The electrical contractor will be notified of the unassignment and has ninety days to replace the administrator. An assignment fee will then be required per WAC 296-46B-910.

The inactive certificate will be returned to current status upon validation, by the department, of the required continuing education requirements.

(12) An individual may renew a suspended administrator's certificate by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(13) An individual may not renew a revoked administrator's certificate.

Temporary specialty administrator certificate.

(14) See WAC 296-46B-930 for additional information.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-935, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-940 Electrician/training/temporary certificate of competency or permit required. Electrician - general.

(1) The department will deny renewal of a certificate or permit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Electrician - scope of work.

(2) The scope of work for electricians and trainees is described in WAC 296-46B-920.

Electrician - certificate of competency required.

(3) To work in the electrical construction trade, an individual must possess a current valid:

(a) Master journeyman electrician certificate of competency issued by the department;

(b) Journeyman electrician certificate of competency issued by the department;

(c) Master specialty electrician certificate of competency issued by the department;

(d) Specialty electrician certificate of competency issued by the department;

(e) Temporary electrician permit. Unless continually supervised by an appropriately certified electrician, no temporary electrician can install, repair, replace, or maintain any electrical wiring or equipment where the system voltage is more than 600 volts, whether the system is energized or deenergized; or

(f) Electrical training certificate, learning the trade in the proper ratio, per RCW 19.28.161, under the supervision of a certified master journeyman electrician, journeyman electrician, master specialty electrician working in their specialty, or specialty electrician working in their specialty.

(4) The department issues master electrician and electrician certificates of competency in the following areas of electrical work:

(a) General journeyman **(01);**

(b) Specialties:

(i) Residential **(02);**

(ii) Pump and irrigation **(03);**

(iii) Domestic well **(03A);**

(iv) Signs **(04);**

(v) Limited energy system **(06);**

(vi) HVAC/refrigeration **(06A);**

(vii) HVAC/refrigeration - restricted **(06B);**

(viii) Nonresidential maintenance **(07);**

(ix) Nonresidential lighting maintenance and lighting retrofit **(07A);**

(x) Residential maintenance **(07B);**

(xi) Restricted nonresidential maintenance **(07C);**

(xii) Appliance repair **(07D);**

(xiii) Equipment repair **(07E);** and

(xiv) Door, gate, and similar systems **(10).**

Exemptions - linemen.

(5) See general definitions WAC 296-46B-020 for the definition of a lineman.

(6) Electrical linemen employed by a serving electrical utility or the serving utility's contractor, or a subcontractor to their subcontractor, while performing work described in WAC 296-46B-925 do not need certificates of competency.

(7) Electrical linemen employed by a licensed general electrical contractor do not need certificates of competency if the electrical equipment:

(a) Is on commercial or industrial property;

(b) Is located outside a building or structure; and

(c) The work performed is on the primary side of the customer's transformer(s) supplying power at the customer's building or structure utilization voltage.

Original - master electrician, journeyman, and specialty electrician certificates of competency.

(8) The department will issue an original certificate of competency to master, journeyman, or specialty electricians who meet the eligibility requirements listed in:

(a) RCW 19.28.191 (1)(a) or (b); and

(i) Submit an application for an original master electrician certificate including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910;

(b) RCW 19.28.191 (1)(c) through (d);

(i) Submit an original master electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910; or

(c) RCW 19.28.191 (1)(e) through (j);

(i) Submit an original electrician certification examination application including: Date of birth, mailing address and Social Security number; and

(ii) Pay all appropriate fees, as listed in WAC 296-46B-910.

(9) An individual's original electrician certificate of competency will expire on their birth date at least two years, and not more than three years, from the date of original issue.

Renewal - master electrician, journeyman, and specialty electrician certificates of competency.

(10) An individual must apply for renewal of their electrician certificate of competency before the expiration date of the certificate. The individual may not apply for renewal more than ninety days prior to the expiration date. Renewed certificates are valid for three years.

(11) An individual may renew their certificate of competency within ninety days after the expiration date without reexamination if the individual pays the late renewal fee listed in WAC 296-46B-910.

(12) All applications for renewal received more than ninety days after the expiration date of the certificate of competency require that the electrician pass the appropriate competency examination before being recertified.

(13) All applicants for certificate of competency renewal must:

(a) Submit a complete renewal application;

(b) Pay all appropriate fees; and

(c) Provide accurate evidence on the renewal form that the individual has completed the continuing education requirements described in WAC 296-46B-970. If an individual files inaccurate or false evidence of continuing education information when renewing a certificate of competency, the individual's certificate of competency may be suspended or revoked.

(14) An individual who has not completed the required hours of continuing education can renew a certificate of competency if the individual applies for renewal before the certificate of competency expires and pays the appropriate renewal fee. However, the certificate of competency will be placed in an inactive status. The inactive certificate of competency will be returned to current status upon validation, by the department, of the required continuing education.

(15) An individual may renew a suspended certificate of competency by submitting a complete renewal application including obtaining and submitting the continuing education required for renewal. However, the certificate will remain in a suspended status for the duration of the suspension period.

(16) An individual may not renew a revoked certificate of competency.

Reciprocal agreements between Washington and other states.

(17) The department negotiates reciprocal agreements with states that have equivalent requirements for certification of master electricians, journeymen, or specialty electricians. These agreements allow electricians from those reciprocal states to become certified in the state of Washington without examination and allow Washington certified electricians to become certified in the other states without taking competency examinations.

(18) An individual coming into the state of Washington from a reciprocal state will be issued a reciprocal electrician certificate of competency if all the following conditions are met:

(a) The department has a valid reciprocal agreement with the other state in the master electrician category requested, journeyman, or specialty category requested;

(b) The individual makes a complete application for the reciprocity certificate on the form provided by the department. A complete application includes:

(i) Application for reciprocal certificate of competency;

(ii) Evidence that the individual meets the eligibility requirements listed in RCW 19.28.191, by presenting a valid journeyman or specialty electrician certificate or certified letter from the issuing state; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

(c) The individual obtained the reciprocal state's certificate of competency as a master electrician, journeyman, or specialty electrician by examination;

(19) An individual is not eligible for a reciprocal electrician certificate of competency if the individual:

(a) Has failed to renew a similar Washington master electrician or electrician certificate of competency as required in RCW 19.28.211;

(b) Has a similar Washington master electrician or electrician certificate of competency in suspended, revoked, or inactive status under this chapter; or

(c) Was a resident of the state of Washington at the time the examination was taken in the other state.

Military experience.

(20) An individual who has worked in the electrical construction trade performing work described in WAC 296-46B-920 while serving in the armed forces of the United States may be eligible to take the examination for the certificate of competency as a journeyman or specialty electrician. Credit may be allowed for hours worked or training received.

If an individual has military experience in a specialized electrical field (e.g., rating) that is similar to a specialty electrician category listed in WAC 296-46B-920, credit may be allowed toward the appropriate specialty certificate. Nuclear,

marine, radar, weapons, aeronautical experience, or similar experience may not be acceptable.

The military experience should be related to the building construction trade, not shipboard, aircraft, weapons, or similar installations.

Experience in another country.

(21) If an individual has a journeyman electrician certificate from a country outside the United States that requires that at least four years of electrical construction training and certification is obtained by examination, the individual may be eligible for four thousand hours of the specialty credit allowed towards the qualification to take the Washington journeyman electrician examination.

No more than two years of the required training to become a Washington journeyman electrician may be for work described for specialty electricians or technicians in WAC 296-46B-920. In addition to the maximum of four thousand hours credit that may be allowed by this subsection, an additional four thousand hours of new commercial/industrial experience must be obtained using a training certificate in the state while under the supervision of a master journeyman electrician or journeyman electrician.

Documentation substantiating the individual's out-of-country experience must be submitted in English.

(22) Out-of-country experience credit is not allowed toward a specialty electrician certificate.

Training school credit.

(23) No more than fifty percent of the minimum work experience needed to qualify for specialty electrician certification is allowed for any training school program (e.g., a specialty requiring two thousand hours of minimum required work experience may receive no more than one thousand hours credit from an electrical construction training program).

(24) See RCW 19.28.191 (1)(g) for training school credit allowed for journeyman applicants.

(25) See WAC 296-46B-971 for additional information on training schools.

Temporary electrician permit.

(26) Temporary permits are not allowed for master electricians.

(27) Temporary electrician permit when coming from out-of-state. An individual coming from out-of-state must either obtain a reciprocal electrician certificate, valid training certificate, or make application and receive approval for a temporary electrician permit to perform electrical work in the state, or otherwise obtain an electrician certificate of competency.

(a) Initial temporary electrician permit when coming from out-of-state.

(i) If an individual can show evidence of work experience in another state similar to RCW 19.28.191, the department may issue the individual one initial temporary journeyman or specialty electrician permit. The individual must present appropriate evidence at the time of application showing work experience equivalent to that required by RCW 19.28.191.

The initial temporary electrician permit allows the individual to work as an electrician between the date of filing a completed application for the certification examination and the notification of the results of the examination. This initial permit will be issued for one twenty-day period and will become invalid on the expiration date listed on the temporary electrician permit or the date the individual is notified they have failed the examination, whichever is earlier.

(ii) To qualify for an initial temporary electrician permit, an individual must:

(A) Meet the eligibility requirements of RCW 19.28.191; and

(B) Submit a complete application for an initial temporary electrician permit and original certification including:

• Date of birth, mailing address, Social Security number; and

• All appropriate fees as listed in WAC 296-46B-910.

(iii) The individual must not have ever possessed a Washington master journeyman, journeyman certificate of competency, or a master specialty or specialty electrician certificate of competency in the specialty requested.

(iv) If the initial temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a:

(A) Second temporary electrician permit; or

(B) Training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(b) Second temporary electrician permit.

(i) If the individual fails the certification examination during the initial temporary electrician period and provides verification of enrollment in an approved journeyman refresher course or approved appropriate specialty electrician refresher course, as prescribed in RCW 19.28.231, application may be made for a second temporary electrician permit.

A complete second application must include proof of enrollment in the refresher course and all appropriate fees as listed in WAC 296-46B-910.

(ii) The second temporary electrician permit will be issued for one ninety-day period and will become invalid: Upon withdrawal from the electrician refresher course, on the expiration date listed on the temporary electrician permit, or the date the individual is notified they have failed the examination, whichever is earlier;

(iii) After successfully completing the electrician refresher course, the individual must provide appropriate course completion documentation to the department and will be eligible to retake the appropriate competency exam.

(iv) If the second temporary electrician permit becomes invalid, it will not be extended or renewed. To continue to work in the electrical trade, the individual must apply for and receive a training certificate and work in the proper ratio, per RCW 19.28.161, under the direct supervision of either a certified master journeyman electrician, journeyman electrician, master specialty electrician working in the appropriate specialty, or a specialty electrician working in the appropriate specialty.

(28) Temporary specialty electrician permit gained by using previous work experience gained in the state.

(a) For the specialties listed in chapter 296-46B WAC Table 950-1, individuals credited with the minimum amount of work experience using the criteria described in WAC 296-46B-950 will be eligible for a temporary specialty electrician permit for the purposes of working without supervision and for supervising trainees in the appropriate specialty. This temporary specialty electrician permit will be valid for a period of two years or until the individual has passed the appropriate specialty examination, whichever is first.

(b) To qualify for an initial temporary specialty electrician permit, an individual must:

(i) Document the hour requirements described in chapter 296-46B WAC Table 945-1; and

(ii) Submit a complete application including:

(A) Application for consideration of previous work experience as described in WAC 296-46B-950;

(B) Application for original electrician certificate of competency/examination including: Date of birth, mailing address, Social Security number; and

(C) All appropriate fees as listed in WAC 296-46B-910.

(c) If the individual does not successfully complete the appropriate specialty examination before the temporary specialty electrician permit expires, the individual must obtain a training certificate to continue performing electrical work. Such an individual must apply for a training certificate and work under the supervision of an appropriate electrician.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-940, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-945 Qualifying for master, journeyman, specialty electrician examinations. Qualifying for master, journeyman, specialty electrician examinations.

(1) All applicants must be at least sixteen years of age.

Qualifying for the master electrician examination.

(2) An individual may take the master electrician's certificate of competency examination if the individual meets the requirements described in RCW 19.28.191 (1)(c) or (d).

Qualifying for the master electrician examination from out-of-state.

(3) No credit may be applied from out-of-state toward qualifying for a master electrician certificate of competency examination.

Qualifying for the journeyman electrician competency examination.

(4) An individual may take the journeyman electrician's certificate of competency examination if the individual held a current electrical training certificate and has worked for an employer who employs at least one certified master electrician, journeyman, or specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of a master electrician, journeyman electrician or specialty electrician working in the appropriate specialty in the proper ratio, per RCW 19.28.161, for four years (eight thousand hours). Of the eight thousand hours:

(i) At least two years (four thousand hours) must be in new industrial and/or new commercial electrical installation (excluding all work described for specialty electricians or technicians) under the direct supervision of a master journeyman electrician or journeyman electrician while working for a general electrical contractor; and

(ii) Not more than a total of two years (four thousand hours) may be for work described as an electrical specialty in WAC 296-46B-920(2).

(b) Has completed a four-year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council while working under the direct supervision of a master journeyman or journeyman electrician in the proper ratio, per RCW 19.28.161; or

(c) Has completed a two-year electrical construction training program as described in RCW 19.28.191 for journeyman electricians, and two years (four thousand hours) of work experience in new industrial and/or new commercial electrical installations (excluding work described for specialty electricians or electrical technicians) under the direct supervision of a journeyman electrician while working for a general electrical contractor in the proper ratio, per RCW 19.28.161. See WAC 296-46B-971 for additional training school information.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) will not be credited towards qualification for journeyman electrician.

The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state requiring electrician certification.

(5) An individual may take the journeyman/specialty electrician's competency examination when the appropriate state having authority certifies to the department that:

(a) The work was legally performed under the other state's licensing and certification requirements;

(i) For journeyman applicants who meet the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants who meet the minimum hour requirements described in WAC 296-46B-945(9).

(b) The other state's certificate of competency was obtained by examination.

Electrical construction training hours gained in specialties requiring less than two years (i.e., four thousand hours) may not be credited towards qualification for journeyman electrician.

Qualifying for the journeyman/specialty electrician competency examination when work was performed in a state that does not require electrician certification.

(6) If the other state requires electrical contractor licensing:

(a) An individual may take the journeyman/specialty electrician's competency examination when an appropriately licensed electrical contractor(s) files a notarized letter of experience with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(b) An individual may take the journeyman/specialty electrician's competency examination when an employer(s), acting under a property owner exemption, files a notarized letter of experience from the property owner with the department accompanied by payroll documentation which certifies and shows that:

(i) For journeyman applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(4).

(ii) For specialty applicants: The individual meets the minimum hour requirements described in WAC 296-46B-945(9).

(7) If the other state does not require electrical contractor licensing or registration: An individual may take the journeyman/specialty electrician's competency examination when the individual's employer(s) files a notarized letter(s) of experience with the department accompanied by payroll documentation which certifies and shows that:

(a) For journeyman applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(4).

(b) For specialty applicants: The individual meets the minimum work requirements described in WAC 296-46B-945(9).

(8) The letter of experience described in subsections (6) and (7) of this section should include a complete list of the individual's usual duties with percentages attributed to each.

Qualifying for a specialty electrician certificate of competency or examination.

(9) An individual may qualify for a specialty electrician's examination and certificate of competency if the individual held a current electrical training certificate, and has worked for an employer who employs at least one certified master journeyman electrician, journeyman electrician, appropriate master specialty electrician, or appropriate specialty electrician on staff and the individual:

(a) Has been employed, in the electrical construction trade, under the direct supervision of an appropriate electrician in the appropriate specialty as follows:

Table 945-1 Experience Hours

Specialty	Minimum Hours of Work Experience Required to be Eligible for Examination[4][5][9]	Minimum Hours of Work Experience Required for Certification[8]
Residential certificate **(02)**	4,000[3]	4,000
Pump and irrigation certificate **(03)**	4,000[3]	4,000
Domestic well certificate **(03A)**	720[1][2]	2,000[6]
Signs certificate **(04)**	4,000[3]	4,000
Limited energy system certificate **(06)**	4,000[3]	4,000
HVAC/refrigeration system certificate **(06A)**	4,000[3]	4,000[7]
HVAC/refrigeration - restricted **(06B)**	1,000[1][2]	2,000[6]
Nonresidential maintenance certificate **(07)**	4,000[3]	4,000
Nonresidential lighting maintenance and lighting retrofit certificate **(07A)**	720[1][2]	2,000[6]
Residential maintenance certificate **(07B)**	720[1][2]	2,000[6]
Restricted nonresidential maintenance certificate **(07C)**	4,000[3]	4,000
Appliance repair certificate **(07D)**	720[1][2]	2,000[6]
Equipment repair certificate **(07E)**	4,000[3]	4,000
Door, gate, and similar systems certificate **(10)**	720[1][2]	2,000[6]

Notes:

[1]Until the examination is successfully completed, the trainee must work under one hundred percent supervision. Once the appropriate examination is successfully completed, the modified supervision trainee may work under zero percent supervision.

[2]Two calendar years after the date of initial trainee certification, the trainee must work under seventy-five percent supervision until all required work experience hours are gained and credited towards the minimum work experience requirement even if the trainee has completed the examination.

[3]This specialty is not eligible for modified trainee status as allowed in chapter 19.28 RCW.

[4]The trainee and their employer and/or apprenticeship training director must attest to the accuracy of all information contained on affidavits of experience used to verify eligibility for the examination.

[5]Neither previous work experience credit nor training school credit is allowed as a substitute for the initial hours of minimum work experience required to be eligible for examination unless the trainee's work experience hours under direct supervision are provided as required in RCW 19.28.191 (1)(f)(ii).

[6]Electrical construction training hours gained in specialties requiring less than two years for certification may not be credited towards qualification for journeyman electrician.

[7]The 2,000 minimum hours of work experience required for certification as a HVAC/refrigeration-restricted **(06B)** specialty electrician may be credited as 2,000 hours towards the 4,000 minimum hours of work experience required for certification as a HVAC/refrigeration **(06A)** specialty electrician. Hours of work experience credited from the HVAC/refrigeration-restricted **(06B)** specialty cannot be credited towards qualification for taking the general electrician **(01)** examination or minimum work experience requirements.

[8]If any legislation is enacted in 2003 setting the minimum hours of work experience for a specialty electrician certification to be set at one year (2,000 hours), the minimum will be set at 2,000 hours.

[9]If any legislation is enacted in 2003 setting the minimum hours of work experience for a specialty certification required to be eligible for examination to ninety days (720 hours), the minimum will be set at 1,000 hours.

(b) Or has completed an appropriate two-year apprenticeship program in the electrical construction trade that is

registered with the state apprenticeship council while working under the direct supervision of an electrician in the appropriate specialty in the proper ratio, per RCW 19.28.161.

Qualifying for a certificate of competency when the Washington electrical work experience is exempt from certification requirements in RCW 19.28.261.

(10) To receive credit for electrical work experience that is exempted in RCW 19.28.261, an individual must provide the department with verification from the employer or owner according to WAC 296-46B-965 (i.e., affidavit(s) of experience). For the purposes of this section, exempt work does not include work performed on property owned by the individual seeking credit.

(11) All exempt individuals learning the electrical trade must obtain an electrical training certificate from the department and renew it biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(12) The department may require verification of supervision in the proper ratio from the certified supervising electrician(s).

(13) Telecommunications work experience:

(a) Credit may be verified only by employers exempted by RCW 19.28.261, general electrical **(01)** contractors, and limited energy system **(06)** electrical contractors for limited energy experience for telecommunications work done:

(i) Under the supervision of a certified journeyman or limited energy electrician; and

(ii) In compliance with RCW 19.28.191.

(b) Individuals who want to obtain credit for hours of experience toward electrician certification for work experience doing telecommunications installations must:

(i) Obtain an electrical training certificate;

(ii) Renew the training certificate biannually in order to receive credit for hours worked in the trade according to WAC 296-46B-965.

(c) Telecommunications contractors may not verify telecommunications work experience toward electrician certification.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-945, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-950 Opportunity for gaining credit for previous work experience gained in certain specialties. Some specialties have an opportunity to apply any previous work experience gained toward electrical training credit. See Table 950-1 for opportunities, deadlines and requirements.

To qualify previous work experience training credit toward eligibility for any of the specialty certificate examination(s) in this subsection, an individual must provide proof, upon application for a specialty electrician temporary permit, to the department with a notarized verification letter from the individual's employer(s) documenting:

(1) The specific specialty for which credit is being sought;

(2) The specific date time period for which credit is being sought; and

(3) The number of previous work experience hours for which credit is being sought.

The department will deny application for previous work experience credit if an individual owes money as a result of an outstanding final judgment(s) to the department.

Table 950-1 Specialty Electrician Open Window to apply previous work experience

SPECIALTIES Available for Open Window	• HVAC/refrigeration **(06A),** HVAC/refrigeration - restricted **(06B)**	• Domestic well **(03A),** • Nonresidential maintenance **(07),** • Nonresidential lighting maintenance and lighting retrofit **(07A),** • Residential maintenance **(07B),** • Door, gate and similar systems **(10)**	• Restricted nonresidential maintenance **(New - 07C),** • Appliance repair **(New - 07D)** • Equipment repair **(New - 07E)**
Previous work experience training credit will only be allowed for:	Work performed prior to September 30, 2000[3]	Work performed prior to June 30, 2001[3]	Work performed prior to the effective date of this chapter[3]
Last date to submit application for previous work experience	Make application on or before July 31, 2004, for a specialty electrician temporary permit as described in WAC 296-46B-940(28).		
Begin interim enforcement	Effective date of this chapter[1]		
Begin full enforcement	August 1, 2004[1]		
Exam completion	If a temporary specialty electrician permit is awarded per WAC 296-46B-940(28), the applicant must pass the specialty electrician examination no later than two years after application.[2]		

Notes: [1]See Figure 955-1 for enforcement procedures. See note 1 on Figure 955-1 for additional requirements regarding failure to comply with the licensing/certification requirements during the open window opportunity.

[2]See WAC 296-46B-940(28) other temporary specialty electrician permit requirements.

[3]Work experience gained for these specialties on or after this date will be credited only if the applicant possessed a valid training certificate during the time period worked and

met all requirements of chapter 19.28 RCW and this chapter.

(4)Previous work experience credit gained using this section will not be allowed for the same time periods for multiple specialties.

(5)Previous work experience gained using this section will not be applicable towards journeyman certification until the trainee successfully completes the appropriate specialty certification examination and meets all other requirements in chapter 19.28 RCW and this chapter.

(6)Previous work experience gained using this section will not be applicable toward journeyman certification if the specialty has a work experience requirement less than two years (four thousand hours). Hours of experience gained prior to the effective date of this rule may be applied toward journeyman certification if appropriate.

(7)No extension, except as permitted by rule change, of the temporary specialty electrician's status will be permitted. A temporary specialty electrician permit cannot be renewed, except as permitted by rule.

(8)An individual may not receive a temporary electrician permit in a specialty if the individual has previously held a specialty electrician permit in that specialty.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, and chapter 19.28 RCW. 03-18-089, § 296-46B-950, filed 9/2/03, effective 10/3/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-950, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-951 Domestic appliance specialty. (1) The domestic appliance specialty **(05)** is eliminated as of the effective date of this chapter.

(2) All electrical contractors, administrators, and electricians who possessed a current domestic appliance **(05)** specialty license or certificate on the effective date of this chapter will be issued a residential **(02)** license or certificate. No application or examination is required to receive the replacement residential license or certificate.

(3) All training experience currently credited toward the domestic appliance **(05)** specialty will be considered to be residential **(02)** experience.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-951, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-955 Specialty contractor/electrician enforcement procedures. Interim noncompliance enforcement procedures are outlined in Figure 955-1 for the specialties listed. All other specialties require full compliance with the requirements of chapter 19.28 RCW and this chapter.

Figure 955-1

Place illustration here.

Domestic well **(03A)**[1]	
HVAC/refrigeration **(06A)**[1]	
HVAC/refrigeration-restricted **(06B)**[1]	
Nonresidential maintenance **(07)**[1]	
Nonresidential lighting maintenance and lighting retrofit **(07A)**[1]	Begin Interim enforcement
Residential maintenance **(07B)**[1]	**Effective date of this chapter**
Restricted nonresidential maintenance **(07C)**[1]	Begin Full enforcement
Appliance repair **(07D)**[1]	**August 1, 2004**
Equipment repair **(07E)**[1]	
Door, gate and similar systems **(10)**[1]	

Note: **(1)** If a citation is issued, the contractor/individual loses the right to apply previous experience or nominate a temporary administrator.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-955, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-960 Administrator and electrician certificate of competency examinations. General.

(1) The minimum passing score on any examination or examination section is seventy percent. If examination is requested to be administered by the department, an application is required and the examination must be successfully completed within one year of application or the individual must submit a new application for exam including all appropriate fees.

(2) All examinations are open book.

(a) Candidates may use:

(i) Any original copyrighted material;

(ii) A silent, nonprinting, nonprogrammable calculator that is not designed for preprogrammed electrical calculations; or

(iii) Copies of chapter 19.28 RCW and this chapter.

(b) Candidates may not use:

(i) Copies of copyrighted material;

(ii) Copies of internet publications;

(iii) A foreign language dictionary that contains definitions;

(iv) Personal notes; or

(v) A personal computing device of any type other than the calculator in (a)(ii) of this subsection.

(3) Administrator and master electrician examinations may consist of multiple sections. All sections must be successfully completed within a one-year period of beginning the examination. Within the one-year examination period, the candidate does not have to retake any sections successfully completed within the examination period. If all sections are not successfully completed within the one-year period, the candidate must begin a new examination period and retake all sections.

Special accommodations for examination.

(4) An applicant for an examination who, due to a specific physical, mental, or sensory impairment, requires special accommodation in examination procedures, may submit a written request to the chief electrical inspector for the specific accommodation needed.

(a) The applicant must also submit to the department a signed and notarized release, authorizing the specifically identified physician or other specialist to discuss the matter with the department representative. The applicant must also submit an individualized written opinion from a physician or other appropriate specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific examination;

(iii) Stating what special accommodation is necessary; and

(iv) Stating if extra time for an examination is necessary and if so, how much time is required. The maximum allowance for extra time is double the normal time allowed.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department at least six weeks in advance of the examination date and must be accompanied by a completed application and fees as described in WAC 296-46B-910.

(c) Only readers and interpreters provided from the administrative office of the courts and/or approved by the department may be used for reading or interpreting the examination. The applicant will be required to bear all costs associated with providing any reading or interpretive services used for an examination.

(d) Applicants who pass the examination with the assistance of a reader or interpreter will be issued a certificate with the following printed restriction: "Requires reading supervision for product usage." A competent reader or interpreter must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

Applicants who pass the examination with the assistance of a mechanical device (e.g., magnifier, etc.) will be issued a certificate with the following printed restriction: "Requires mechanical reading assistance for product usage." Appropriate mechanical reading assistance must be present on any job site where a person with this restriction is performing electrical work as described in chapter 19.28 RCW.

If a candidate successfully retakes the examination without the assistance of a reader or translator, a new certificate will be issued without the restriction.

(5) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

Failed examination appeal procedures.

(6) Any candidate who takes an examination and does not pass the examination may request a review of the examination.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in a passing score.

(7) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be made in writing to the chief electrical inspector and must be received within twenty days of the date of the examination and must request a rescore of the examination. The written request must include the appropriate fees for examination review described in WAC 296-46B-910.

(b) The following procedures apply to a review of the results of the examination:

(i) The candidate will be allowed one hour to review their examination.

(ii) The candidate must identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(iii) Within fifteen days of the candidate's review, the department will review the examination and candidate's justification and notify the candidate in writing of the department's decision.

Subjects included in administrator certificate, or master electrician, journeyman, or specialty electrician competency examinations.

(8) The following subjects are among those that may be included in the examination for an administrator certificate or electrician certificate of competency. The list is not exclusive. The examination may also contain subjects not on the list.

(a) For general administrators, master journeyman, and journeyman electricians:

AC - Generator; 3-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits.

Administration - Chapter 19.28 RCW and this chapter.

Air conditioning - Basic.

Blueprints - Surveys and plot plans; floor plans; service and feeders; electrical symbols; elevation views; plan views.

Building wire.

Cable trays.

Calculations.

Capacitive reactance.

Capacitor - Types; in series and parallel.

Circuits - Series; parallel; combination; basic; branch; outside branch circuits; calculations.

Conductor - Voltage drop (line loss); grounded.

Conduit - Wiring methods.

DC - Generator; motors; construction of motors; meters.

Definitions - Electrical.

Electrical units.

Electron theory.

Fastening devices.

Fire alarms - Introduction to; initiating circuits.

Fuses.

Generation - Electrical principles of.

Grounding.

Incandescent lights.

Inductance - Introduction to; reactance.

Insulation - Of wire.

Mathematics - Square root; vectors; figuring percentages.

Motors/controls - Motors vs. generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors.

Ohm's Law.

Power.

Power factor - AC circuits; correction of; problems.

Rectifiers.

Resistance - Of wire.

Rigging.

Safety - Electrical shock.

Services.

3-wire system.

Tools.

Transformers - Principles of; types; single-phase; 3-phase connections.

Voltage polarity across a load.

Wiring methods - Conduit; general.

Wiring systems - Less than 600 volts; 480/277 volts; single-and 3-phase delta or wye; distribution systems over 600 volts.

Note: The general administrator, master journeyman, and journeyman electrician examinations may also include the subjects listed below for specialty electrician examinations.

(b) For specialty administrators, master specialty and specialty electricians, the following subjects are among those that may be included in the examination. Examination subjects are restricted to those subjects related to the scope of work of the specialty described in WAC 296-46B-920. The list is not exclusive. The examination may also contain subjects not on the list.

AC - Meters.

Administration - Chapter 19.28 RCW and this chapter.

Appliance circuits or controls.

Blueprints - Floor plans; service and feeders.

Cables - Wiring methods.

Calculations.

Circuits - Series; parallel; combination; basic; outside branch.

Conductor - Voltage drop (line loss); grounded; aluminum or copper.

Conduit - Wiring methods.

Electrical signs, circuits, controls, or services.

Electrical units.

First aid.

Fuses.

General lighting.

Grounding of conductors.

Insulation of wire.

Limited energy circuits or systems.

Maintenance of electrical systems.

Mathematics - Figuring percentage.

Motor circuits, controls, feeders, or services.

Ohm's Law.

Overcurrent protection.

Resistance of wire.

Safety - Electrical shock.

Services.

Sizes of building wire.

3-wire system.

Tools.

Transformer - Ratios; single-phase/3-phase connections.

Failing an administrator certificate exam or electrician certificate of competency examination.

(9) Anyone failing an administrator or electrician competency examination may retake the examination by making arrangements with the testing agency and paying the retesting fee.

(10) If the individual makes a score of less than sixty percent, the individual must wait two weeks before being eligible to retest.

(11) If the individual makes a score of sixty to sixty-nine percent, the individual must wait one day before being eligible to retest.

(12) Anyone failing an electrician competency examination may continue to work in the electrical trade if they have a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161. However, if the applicant holds a temporary specialty electrician certificate per WAC 296-46B-940(28), the applicant may continue to

work under the temporary specialty electrician certificate until it expires. After the temporary specialty electrician certificate expires, the applicant must obtain a valid electrical training certificate and work under the direct supervision of a certified journeyman or specialty electrician in the proper ratio, per RCW 19.28.161.

Cheating on an examination.

(13) Anyone found cheating on an examination or using inappropriate materials/equipment during an examination will be required to wait at least eleven months before being allowed to reexamine. All such reexaminations will be administered by the department in Tumwater, Washington and the candidate will be required to apply and schedule for the examination with the chief electrical inspector.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-960, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-965 Training certificate required. General.

(1) A training certificate is required to work in the electrical construction trade if an individual does not:

(a) Possess a current journeyman certificate of competency issued by the department;

(b) Possess a current specialty electrician certificate of competency issued by the department while working in that specialty's scope of work;

(c) Possess a valid temporary electrician permit;

(d) Possess a valid temporary specialty electrician permit while working in that specialty's scope of work; or

(e) Is not working in exempt status as allowed by chapter 19.28 RCW.

(2) Trainees who have had their training certificates revoked or suspended (during the duration of the revocation or suspension) will not be issued a training certificate.

Original training certificates.

(3) The department will issue an original training certificate when the trainee applicant submits a complete training certificate application including:

(a) Date of birth, mailing address, Social Security number; and

(b) All appropriate fees as listed in WAC 296-46B-910.

All applicants for an electrical training certificate must be at least sixteen years of age. The original training certificate will be valid for two years.

Specialty specific - zero percent and seventy-five percent supervision modified training certificates.

(4) For specialties as allowed in Table 945-1 (i.e., specialties with seven hundred twenty minimum hours of work experience required to be eligible for examination):

(a) The department will approve the trainee to take the appropriate specialty competency examination necessary to qualify for a zero percent supervision modified training certificate. To qualify, the trainee applicant must submit a complete zero percent supervision modified training certificate application including:

(i) Date of birth, mailing address, Social Security number;

(ii) Affidavit of experience fulfilling the minimum work experience hours required to qualify for the specialty examination described in Table 945-1; and

(iii) All appropriate fees as listed in WAC 296-46B-910.

Upon successful completion of the appropriate examination, the trainee will be issued a nonrenewable zero percent supervision modified training certificate for the appropriate specialty. The zero percent supervision modified training certificate will be restricted in duration to the time allowed in Table 945-1, note 2.

(b) Prior to the expiration of the zero percent supervision modified training certificate or temporary specialty electrician permit obtained as described in WAC 296-46B-940(28), the individual must submit a complete application for a seventy-five percent supervision modified training certificate for the appropriate specialty including:

(i) Seventy-five percent supervision training certificate application including: Date of birth, mailing address, Social Security number; and

(ii) All appropriate fees as listed in WAC 296-46B-910.

(c) A trainee may possess multiple (i.e., in different specialties) modified supervision training certificates for specialties where reduced supervision is allowed in Table 945-1. Combination training certificates will not be issued.

Renewal of training certificates.

(5) The individual may not apply for renewal more than ninety days prior to the expiration date. An individual will not be issued a renewed or reinstated training certificate if the individual owes the department money as a result of an outstanding final judgment. Within thirty days after renewing an electrical training certificate, the individual, if not enrolled in a department approved apprenticeship program, must submit a completed, signed, and notarized affidavit(s) of experience. If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual. The affidavit of experience must accurately attest to:

(a) The electrical installation work performed for each employer the individual worked for in the electrical trade during the previous period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category worked under the proper supervision of a Washington certified, master journeyman electrician, journeyman electrician or appropriate master specialty electrician or specialty electrician under that specific training certificate. If a trainee possesses multiple training certificates, an affidavit must be submitted for each training certificate for the hours worked under that specific training certificate.

If the individual is enrolled in a department approved apprenticeship program, the program may submit the required affidavit(s) of experience upon the individual's completion of the required experience hours without cost to the individual.

(6) The individual should ask each employer and/or apprenticeship training director for an accurately completed, signed, and notarized affidavit of experience for the previous certification period. The employer(s) or apprenticeship training director(s) must provide the previous period's affidavit of experience to the individual within twenty days of the request. If an individual is enrolled in an approved apprenticeship program under chapter 49.04 RCW when the individual renews an electrical training certificate, the individual and their apprenticeship training director and/or each employer must give the department an accurately completed, signed, and notarized affidavit of experience accurately attesting to:

(a) The electrical installation work the individual performed in the electrical trade during the previous certification period;

(b) The correct electrical category the individual worked in; and

(c) The actual number of hours worked in each category under the proper supervision of a Washington certified master journeyman electrician, journeyman electrician or appropriate master specialty or specialty electrician for each employer. For apprentices enrolled in a registered apprenticeship program, the applicant and the training director are the only authorized signatures the department will accept on affidavits of experience.

(7) The individual and their employer(s) and/or apprenticeship training director(s) must sign and have notarized the affidavit of experience attesting to the accuracy of all information contained in the affidavit.

Trainees seeking a journeyman electrician certificate - working with no supervision.

(8) Trainee seeking a general **(01)** journeyman electrician certificate of competency. After review by the department, a trainee may be issued a six-month, nonrenewable unsupervised electrical training certificate that will allow the individual to work without supervision if the trainee:

(a) Has submitted a complete application for an unsupervised electrical training certificate;

(b) Has worked over seven thousand hours properly supervised not to include more than four thousand of specialty experience;

(c) Has successfully completed or is currently enrolled in an approved apprenticeship program or an electrical construction trade program in a school approved by the board of community and technical colleges;

(d) Has paid all appropriate training certificate fees listed in WAC 296-46B-910; and

(e) Is currently working for and continues to work for a licensed electrical contractor that employs at least one certified journeyman or specialty electrician in the appropriate specialty.

Trainees seeking certain specialty electrician certificates - working with reduced or no supervision.

(9) After review by the department, a trainee may be issued a nonrenewable zero percent supervision training certificate that will allow the individual to work without supervision if the trainee meets the requirements in subsection (4) of this section.

(10) Individuals who received a temporary specialty electrician certificate using previous work experience credit as allowed in WAC 296-46B-950 and fail to successfully complete the appropriate specialty examination before the expiration of the temporary specialty electrician permit may be issued a training certificate in the appropriate specialty if the individual submits a complete application as described in WAC 296-46B-965 (4)(b) prior to the expiration of the temporary specialty electrician permit.

(11) HVAC/refrigeration trainees **(06A)** may work unsupervised when installing HVAC thermostat cable when the system consists of a single thermostat in one- and two-family dwelling units where line voltage power is not connected to the system.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-965, filed 4/22/03, effective 4/22/03.]

WAC 296-46B-970 Continuing education. General requirements - continuing education courses requirements for administrator, master electrician, and electrician renewal.

(1) An individual will not be given credit for the same approved continuing education course taken more than once in the three years prior to the renewal date. No credit will be granted for any course not approved per this section.

(2) Telecommunications administrators do not require continuing education.

(3) Other administrators, master electricians, and electricians.

(a) To be eligible for renewal of an administrator certificate, master electrician, or electrician certificate of competency, the individual must have completed at least eight hours of approved continuing education for each year of the prior certification period. At least eight hours of the total required continuing education must be on the currently adopted National Electrical Code changes. Beginning January 1, 2005, four hours of the required continuing education must be on the currently adopted chapter 19.28 RCW and its related WAC(s).

(b) An individual changing an electrical administrator and an electrician certificate of competency into a master electrician's certificate of competency as allowed in RCW 19.28.191 (1)(a) or (b) must have completed at least eight hours of approved continuing education for each year of the prior electrician certification period. Eight hours of the required continuing education must be on the currently adopted National Electrical Code changes.

(c) Any portion of a year of a prior electrician certification period is equal to one year for the purposes of the required continuing education.

Approval process - continuing education course.

(4) The department must review each continuing education course. The department will recommend approval or disapproval to an electrical board subcommittee. The chief electrical inspector will be an ex officio member of this subcom-

mittee. The subcommittee will either approve or disapprove the course.

(5) To be considered for approval, a continuing education course must consist of not less than four hours of instruction and be open to monitoring by a representative of the department and/or the electrical board at no charge. If the department determines that the continuing education course does not meet or exceed the minimum requirements for approval, the department may revoke the course approval or reduce the number of credited hours.

(6) Approved courses must be based on:

(a) Currently adopted edition of the National Electrical Code;

(b) Chapter 19.28 RCW or chapter 296-46B WAC; or

(c) Materials and methods as they pertain to electrical construction, building management systems, electrical maintenance, or workplace health and safety.

(7) Code-update courses must be based on the entire currently adopted National Electrical Code.

Application - for continuing education course approval.

(8) All applications for course approval must be on forms provided by the department. The electrical board will only consider the written information submitted with the application when considering approval of the continuing education training course.

(9) The department will provide continuing education application forms to sponsors upon request. The course sponsor must submit an original completed application for course approval and three copies (unless submitted electronically using department prescribed technology) to the department. The department must receive the complete course application from the sponsor in writing at least forty-five days before the first class requested for approval is offered.

(10) A complete application for course approval must include:

(a) The appropriate course application fee;

(b) Course title, number of classroom instruction hours, and whether the training is open to the public;

(c) Sponsor's name, address, contact's name and phone number;

(d) Course outline (general description of the training, including specific National Electrical Code articles referenced);

(e) Lists of resources (texts, references, visual aids);

(f) Names and qualifications of instructors. Course instructors must show prior instructor qualification and experience similar to that required by the work force training and education coordinating board under chapter 28C.10 RCW;

(g) Any additional documentation to be considered; and

(h) A sample copy of the completion certificate issued to the course participants.

(11) The course sponsor seeking approval of a continuing education course will be notified of the subcommittee's decision within five days of the completed review of the application.

(12) If the application is not approved, the rejection notice will include an explanation of the reason(s) for rejection. If the course sponsor disagrees with the subcommittee's decision, the course sponsor may request a reconsideration hearing by the full electrical board. A request to appeal course rejection must be received by the department forty-five days before a regularly scheduled board meeting. The course sponsor must submit, to the department, any additional information to be considered during the hearing, in writing, at least thirty days before the board hearing. The course sponsor must provide at least twenty copies of any written information to be submitted to the board.

Offering - continuing education course.

(13) The course sponsor may offer an approved course for up to three years without additional approval. However, if the course is classified as code-update or code-related and a new edition of the National Electrical Code is adopted within the course approval period, the course approval will be considered automatically revoked and the course sponsor must submit a new application for review by the department and approval by the electrical board subcommittee.

(14) A continuing education course attended or completed by an individual before final approval by the electrical board subcommittee cannot be used to meet the administrator or electrician certificate renewal requirements.

Documentation - Washington approved training course attendance/completion.

(15) The department is not responsible for providing verification of an individual's continuing education history with the course sponsor.

(16) The course sponsor must provide the department with an accurate and typed course attendance/completion roster for each course given.

(a) The attendance/completion roster must be provided within thirty days of course completion.

(b) In addition, the course sponsor must provide the attendance/completion roster in an electronic format provided by the department.

(c) The attendance/completion roster must show each participant's name, Washington certificate number, course number, location of course, date of completion, and instructor's name. The typed roster must contain the signature of the course sponsor's authorized representative.

(17) If the course sponsor fails to submit the required attendance/completion rosters within thirty days of the course completion, the department may revoke or suspend the course approval.

(18) Course sponsors must award a certificate to each participant completing the course from which the participant will be able to obtain:

(a) Name of course sponsor;

(b) Name of course;

(c) Date of course;

(d) Course approval number;

(e) The number of continuing education units; and

(f) The type of continuing education units.

(19) The department will only use a copy of the sponsor's attendance/completion roster as final evidence that the participant completed the training course.

(20) The department will keep submitted rosters of the continuing education courses on file only for audit purposes. The department is not responsible for the original of any completion certificate issued.

Documentation - out-of-state training course attendance/ completion.

(21) To apply continuing education units earned out-of-state from course sponsors who do not have state of Washington approved courses, one of the following conditions must be met:

(a) The individual must request that the course sponsor submit a complete continuing education course application and requirements as described in this section for in-state courses.

Application for course approval will not be considered more than three years after the date of the course.

(b) The department must have entered into a reciprocal agreement with the state providing course approval.

The participant must provide a copy of an accurate and completed award or certificate from the course sponsor identifying the course location, date of completion, participant's name, and Washington certificate number. The department will only accept a copy of the sponsor's certificate or form as evidence that the participant attended and completed the course.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-970, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-971 Training schools. (1) The department must evaluate and approve training school programs in the electrical trade as regulated by chapter 19.28 RCW for equivalency to hours of supervised work experience. Approved training programs must be from a Washington state public community or technical college, or a not-for-profit nationally accredited technical or trade school licensed by the work force training and education coordinating board under chapter 28C.10 RCW.

(2) The minimum total hours for an electrical technical training program must be determined per RCW 19.28.191.

(3) Training school programs must be approved before their graduates may request credit for equivalent work experience hours toward journeyman or specialty electrician certification. Until December 31, 2003, existing electrical training programs, in effect after January 1, 2000, may apply for retroactive approval of their program to determine the number of hours that will be credited for the program graduates. After December 31, 2003, all training programs must be approved by the department prior to beginning instruction.

(4) Training schools must submit the curriculum of each journeyman or specific specialty electrical training program to the department for approval. The curriculum must include a detailed description of each course that is included in the total training hours required by RCW 19.28.191. The curriculum must be reviewed by the department whenever significant changes in program content or course length are implemented or at an interval not to exceed three years. After department review, the program may be renewed. In evaluating the relevance of the curriculum, the department will consider the following criteria:

(a) Scope of work for the appropriate electrician certification.

(b) Understanding whole systems related to and integrated with electrical equipment installation, maintenance, troubleshooting, and appliance repair (e.g., refrigeration, pumps, hydraulics, thermodynamics, compressed air, and similar systems).

(c) Courses not directly related to electrical technical instruction or specific scope of work, but required to complete the specific training program (i.e., mathematics, technical writing, business, safety, first aid, ergonomics, etc.), must not exceed ten percent of the total student/instructor contact time of the program.

(5) Within thirty days after beginning a program, the program sponsor must supply the department with a roster of individuals enrolled in the program. Within thirty days after each graduation cycle, approved training school programs must provide the department with a roster of individuals that have successfully completed the program. The roster must show each student's name, date of completion, Washington training or electrician certificate number or student identification number, and the training program title. An individual must provide a copy of the certificate of completion or proof of graduation from the electrical training program when making application to the department for an electrician examination.

(6) All school training activities involving electrical work or appliance repair done outside of in-school lab facilities must be done under a valid Washington electrical contractor's license. All students performing such work must have a valid training certificate and work under a supervising journeyman or specialty electrician in a ratio, per RCW 19.28.161, in compliance with RCW 19.28.161.

(7) Individuals in a two-year electrical construction trade training program for journeyman electrician must obtain the additional two years of work experience required in new industrial or commercial installation prior to the beginning, or after the completion, of the technical school program.

All student electrical training hours obtained when working for contractors or other employers in intern programs arranged by the school must be evaluated as part of the training program hours. Additional work experience credit gained in an intern program is not allowed.

This does not prohibit trainees in a training program for specialty electricians from having concurrent employment and obtaining additional specialty work experience while attending school. All such concurrent work must be documented in an affidavit of experience per WAC 296-46B-965 (5), (6), (7), and (8).

The following supervision requirements must be met when working as an intern or student:

(a) Intern when working for contractors or other employers as a:

(i) General electrician, there must be not more than one noncertified individual for every certified master journeyman electrician or journeyman electrician.

(ii) Specialty electrician, there must be not more than two noncertified individuals for every certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician.

(b) Student when working for a public community or technical college, or not-for-profit nationally accredited trade

or technical school licensed by the work force training and education coordinating board under chapter 28C.10 RCW as a journeyman or specialty electrician in the training program, the ratio requirements are one certified master specialty electrician working in that electrician's specialty, specialty electrician working in that electrician's specialty, master journeyman electrician, or journeyman electrician working as a specialty electrician to no more than four students enrolled in and working as part of an electrical construction program. All such work will be considered to be an integral part of the training program and work experience credit will not be allowed except as a part of the program.

When the ratio of certified electricians to noncertified individuals on a job site is one certified electrician to three or four noncertified individuals, the certified electrician must:

(i) Directly supervise and instruct the noncertified individuals and the certified electrician may not directly make or engage in an electrical installation; and

(ii) Be on the same job site as the noncertified individual for a minimum of one hundred percent of each working day.

The public community or technical colleges, or not-for-profit nationally accredited trade or technical schools must be an appropriately licensed electrical contractor when performing work outside the classroom.

(8) The department will use the criteria in this section to evaluate the hours of credit that may be allowed for United States armed forces experience and training in the electrical construction, electrical maintenance, and appliance repair trades. See WAC 296-46B-940(20).

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-971, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-975 Electrical audit. General.

(1) The department may audit the employment records of the electrical contractor or employer to verify the employment status of trainees, assigned administrators, or assigned master electricians.

(2) Every employer or contractor must keep a record of trainee, assigned administrator/master electrician employment so the department may obtain the information it needs to verify electrical trainee, assigned administrator, or assigned master electrician status and trainee work experience. Upon the request of the department's auditors or agents, these records must be made available to the department for inspection within seven business days.

(3) Any information obtained from the contractor or employer during the audit is confidential and is not open to public inspection under chapter 42.17 RCW.

Trainee hours.

(4) The time period covered by a trainee audit will not exceed five years prior to the period included in the last affidavit verifying trainee hours is submitted.

(5) An employer or contractor must maintain payroll records, time cards, or similar records to verify:

(a) The number of hours the trainee worked as a supervised trainee;

(b) The type of electrical work the trainee performed; and

(c) Who provided the trainee's supervision.

(6) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the trainee was employed by the contractor or employer during the period for which the hours were submitted, the actual number of hours the trainee worked, the category of electrical work performed, and who provided the trainee's supervision; and

(b) An audit covering a specific time period and examining a contractor's or employer's books and records which may include their reporting of the trainee's payroll hours required for industrial insurance, employment security or prevailing wage purposes.

Administrator/master electrician - status.

(7) The time period covered by an administrator/master electrician audit will not exceed five years prior to the beginning of the audit.

(8) Every employer or contractor must maintain pay records, time cards, or similar records to verify the work relationship and status of the assigned administrator or master electrician so the department may obtain the information it needs to verify the contractor-administrator/master electrician relationship. Upon the request of the department's auditors or agents, these records must be made available to the department for inspection within seven business days.

(9) The department's audit may include, but will not be limited to, the following:

(a) An audit to determine whether the assigned administrator or assigned master electrician was employed by the contractor or employer during the period assigned which may include their reporting of the assigned administrator's/master electrician's payroll hours required for employment security, prevailing wage, worker's compensation, etc.; and

(b) An audit to determine the full-time supervisory status of the assigned administrator/master electrician.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-975, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-980 Enforcement—Installations, licensing, and certification requirements. (1) The department inspects the electrical worksites of individuals, employers, and employees with respect to the methods and installation requirements of chapter 19.28 RCW and this chapter. The department's electrical inspectors and electrical auditors make electrical work inspections. The department's electrical inspectors, electrical auditors, and compliance officers make electrical licensing/certification inspections.

(2) The department ensures that individuals, employers, and employees comply with the electrical licensing and certification requirements of chapter 19.28 RCW and this chapter. To do this, inspections are made by the department's electrical inspectors/auditors and compliance officers.

Compliance officers or electrical inspectors/auditors determine whether:

(a) Each person or entity advertising to do electrical work or doing electrical work on an electrical worksite has a proper license, certificate, or temporary electrician permit;

(b) The ratio, per RCW 19.28.161, of certified journeyman/specialty electricians to the certified trainees on the job site is correct; and

(c) Each certified trainee is directly supervised by an individual who possesses an appropriate certificate of competency or temporary electrician permit for the type of electrical work being performed.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-980, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-985 Penalties for false statements or material misrepresentations. (1) A person who knowingly makes a false statement or material misrepresentation on an application, statement of hours, or signed statement to the department may be referred to the county prosecutor for criminal prosecution under RCW 9A.72.020, 9A.72.030, and 9A.72.040. The department may also file a civil action under RCW 19.28.131 or 19.28.271 and may revoke or suspend a certificate under RCW 19.28.241 or 19.28.341.

(2) The department may file a civil action under RCW 19.28.131 or 19.28.271 and may revoke or suspend a certificate of competency under RCW 19.28.341 or 19.28.241 for inaccurate or false reporting of continuing education units on the administrator, master electrician, or electrician renewal form.

(3) If the department determines that a course sponsor has issued an inaccurate or incomplete course application or attendance/completion roster, the department may suspend or revoke the course approval and deny future approval of a continuing education course(s) by the course sponsor.

(4) The department may file a civil action under RCW 19.28.271 against both the trainee and the contractor, apprentice training director, or other entity verifying the training hours and may subtract up to two thousand hours of employment from a trainee's total hours if the department determines a false statement or material misrepresentation has been made in an affidavit of experience.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-985, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-990 Failure to comply with the electrical contractor licensing, administrator certification, or electrician certification laws. General.

(1) If the compliance officer or electrical inspector/auditor determines that an individual, employer, or employee has violated chapter 19.28 RCW or this chapter, the department will issue a citation that describes the violation.

Suspension or revocation - of an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, or training certificate.

(2) The department may revoke or suspend, for such time as it determines appropriate, an electrical contractor's license, administrator's certificate, master electrician's certificate of competency, electrician's certificate of competency, temporary electrician's permit, temporary specialty electrician's permit, or training certificate if:

(a) The license, certificate, or permit was obtained through error or fraud;

(b) The license, certificate, or permit holder is judged to be incompetent to work in the electrical construction trade as a master electrician, journeyman electrician, specialty electrician, electrical technician, temporary electrician, temporary specialty electrician, or electrical trainee;

(c) For serious noncompliance as described below. See RCW 19.28.241 and 19.28.341 for other grounds and procedures.

(d) A temporary electrician permit or temporary specialty electrician permit holder has violated any of the provisions of chapter 19.28 RCW or any rule adopted under chapter 19.28 RCW;

(e) The license or certificate holder incompletely or inaccurately reported continuing education units on an application for renewal; or

(f) The certificate holder falsely, incompletely, or inaccurately reported previous work experience.

The department will deny an application for any license/certificate during the period of revocation or suspension of the same or another license/certificate under chapter 19.28 RCW.

(3) For the purposes of this section, serious noncompliance includes, but is not limited to, any of the following:

(a) Failure to correct a serious violation. A serious violation is a violation of chapter 19.28 RCW or chapter 296-46B WAC that creates a hazard of fire or a danger to life safety. A serious violation is also a violation that presents imminent danger to the public. Imminent danger to the public is present when installations of wire and equipment that convey or utilize electric current have been installed in such a condition that a fire-hazard or a life-safety hazard is present. Imminent danger to the public is also present when unqualified, uncertified, or fraudulently certified electricians or administrators; or unlicensed or fraudulently licensed contractors are continuously or repeatedly performing or supervising the performance of electrical work covered under chapter 19.28 RCW. For the purposes of this section, a certified electrician is considered qualified, provided the electrician is working within his or her certification;

(b) The license or certificate was obtained through error or fraud;

(c) Submitting a fraudulent document to the department;

(d) Continuous noncompliance with the provisions of chapter 19.28 RCW or this chapter. For the purposes of this section, continuous noncompliance will be defined as three or more citations demonstrating a disregard of the electrical law, rules, or regulations within a period of three years, or where

it can be otherwise demonstrated that the contractor, master electrician, electrician, or administrator has continuously failed to comply with the applicable electrical standards;

(e) Failure to make any books or records, or certified copies thereof, available to the department for an audit to verify the hours of experience submitted by an electrical trainee;

(f) Making a false statement or material misrepresentation on an application, statement of hours, or signed statement required by the department; or

(g) The certificate holder falsely or inaccurately reported continuing education units on an application for renewal.

For any act of serious noncompliance, the person, firm, partnership, corporation, or other entity may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

(4) Before a license, certificate, or temporary electrician permit is revoked or suspended, the certificate holder will be given written notice of the department's intention to suspend or revoke. Notification will be sent by registered mail to the certificate holder's last known address. The notification will list the allegations against the certificate holder, and provide the certificate holder with the procedures necessary to request a hearing before the electrical board as described in WAC 296-46B-995.

Confiscation - of an electrical contractor's license, administrator certificate, electrician certificate of competency, temporary electrician permit, or training certificate.

(5) The department may confiscate a license, certificate, or temporary electrician permit that is counterfeit, revoked, expired, suspended, or altered. The individual may be referred to the county prosecutor for criminal prosecution under chapter 9A.72 RCW. The department may also file a civil action under chapter 19.28 RCW.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-990, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-995 Electrical board—Appeal rights and hearings. General.

(1) Chapter 19.28 RCW provides the authority for the duties and responsibilities of the electrical board. Except as provided in chapter 19.28 RCW and this chapter, all proceedings will be conducted according to chapter 34.05 RCW the Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure. See chapter 34.05 RCW the Administrative Procedure Act for specific definitions not described in this chapter.

(2) See RCW 19.28.311 for the composition of the electrical board.

(3) The board adopts the current edition of the "*Roberts' Rules of Order, Newly Revised.*"

(4) The board will hold regular meetings on the last Thursday of January, April, July, and October of each year per RCW 19.28.311.

(5) The director or the chairperson of the board may call a special meeting at any time.

(6) Each board member must be notified in writing of the agenda, date, time, and place of each regular and special meeting. "Writing" includes by electronic mail, also known as "e-mail," if the member has provided an e-mail address for such notice.

(7) The board or department may elect to have an appeal heard by the office of administrative hearings either tape recorded or transcribed by a court reporter; and the board may so elect regarding hearings or board reviews heard by the board as a whole.

(8) A majority of the board constitutes a quorum for purposes of rendering any decision.

(a) If a majority does not attend a hearing or board review on an appeal, the board may either continue the hearing or board review to a date certain or may hear the testimony and arguments.

(b) If the board hears the testimony and arguments, the members of the board who are absent may make their decisions after hearing the tape recording or reading the transcript, of the hearing or board review.

(c) If the board selects the method in subsection (8)(b) of this section, at the time of the hearing, the board shall set a date certain for the absent members to complete review of the record and for the board as a whole to vote on the decision. The vote in subsection (8)(b) and (c) of this section may occur by U.S. mail, facsimile or by electronic mail and shall be determined by the board at the hearing; the members' votes shall be public record.

(9) All filings and documents for any matter before the board must be submitted to the chief electrical inspector, as secretary to the board, 7273 Linderson Way, P.O. Box 44460, Olympia, WA 98504-4460. The filings may be submitted by ordinary mail, certified or registered mail, or by personal delivery.

(10) All hearings before the board as a whole shall be held on regularly scheduled meeting dates, as listed in subsection (4) of this section, unless the board determines that an alternate date is necessary. All notices of appeal, with a certified check payable to the department in the sum of two hundred dollars if required, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before the regularly scheduled board meeting at which the hearing would occur. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

Appeals

(11) Appeals of penalties issued by the department.

(a) A party may appeal a penalty issued by the department, pursuant to chapter 19.28 RCW and this chapter, to the board. The appeal shall be assigned to the office of administrative hearings.

(b) The appeal must be filed within twenty days after the notice of the decision or penalty is served on the assessed party either by personal service or by certified mail, return receipt requested, sent to the last known address of the assessed party and shall be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board. The request for an appeal must be accompanied with a

certified check payable to the department in the sum of two hundred dollars.

(12) Appeals of proposed decisions issued by the office of administrative hearings.

(a) A party may appeal a proposed decision issued by the office of administrative hearings pursuant to chapter 19.28 RCW to the board. The appeal must be filed within twenty days after service of the decision and must be made by filing a written notice of appeal with the chief electrical inspector, as secretary to the board.

(b) The notice of appeal of a proposed decision must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(13) Appeals of suspension or revocation.

(a) An appeal of the suspension or revocation of a license or certificate of competency under RCW 19.28.241 and 19.28.341 will be heard by the board in accordance with chapter 34.05 RCW and not assigned to the office of administrative hearings. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars for appeals of a revocation or suspension of a contractor's or administrator's license, must be filed within twenty days after the notice of suspension or revocation is served on the subject of said action, either by personal service or by certified mail, return receipt requested, sent to the last known address of the subject and shall be filed by written notice of appeal with the chief electrical inspector, as secretary to the board.

(14) Appeals of decisions on installation.

(a) A party may seek board review for disputes relating to the interpretation and application of electrical/telecommunications installation or maintenance standards under RCW 19.28.111, 19.28.480, and 19.28.531. The board will conduct the hearing and may elect to have the assistance of an administrative law judge in the proceeding.

(b) The notice of appeal, with the certified check payable to the department in the sum of two hundred dollars, must be received in the office of the chief electrical inspector, as secretary to the board, at least thirty days before a regularly scheduled board meeting. The appellant must submit any written argument, briefs testimony or documents for the board's consideration at least twenty days prior to the scheduled hearing.

(15) Judicial review of final decisions of the board.

A party may seek judicial review of a final order of the board within thirty days after service of the decision. Appeals of final decisions and orders must be done in accordance with chapter 34.05 RCW.

(16) If appeal(s) according to subsections (11), (12), and (13) of this section are not filed or the appeal is not filed timely, the proposed decision or action becomes final with no further action on the part of the department or the board.

(17) Appeals - general requirements.

(a) Appeals according to subsections (11) and (12) of this section must specify the contentions of the appellant, and must for subsection (12) of this section specify to which conclusions of law and findings of fact the party takes exception. The appeal will be based on the record of the hearing. The board shall not grant a hearing de novo.

(b) In appeals under subsections (12), (13) and (14) of this section, the issues to be adjudicated must be made as precise as possible, in order that the board may proceed promptly to conduct the hearing on relevant and material matter only.

(c) In all appeals of chapter 19.28 RCW and this chapter, the appellant has the burden of proof by a preponderance of the evidence.

Appearance and practice before board.

(18) No party may appear as a representative in proceedings other than the following:

(a) Attorneys at law qualified to practice before the supreme court of the state of Washington;

(b) Attorneys at law qualified to practice before the highest court of record of another state, if the attorneys at law of the state of Washington are permitted to appear as representatives before administrative agencies of the other state, and if not otherwise prohibited by Washington law; or

(c) An owner, officer, partner, or full-time employee of a firm, association, organization, partnership, corporation, or other entity who appears for the firm, association, organization, partnership, corporation or other entity.

(19) All persons appearing in proceedings as a representative must conform to the standards of ethical conduct required of attorneys before the courts of Washington. If a person does not conform to these standards, the board may decline to permit the person to appear as a representative in any proceeding before the board.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-995, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-998 Standards. (1) The standard(s) used, as the basis of electrical product certification, field evaluation, or department approval must be determined by the department to provide an adequate level of safety or define an adequate level of safety performance.

(2) Generally, standards will be:

(a) Developed by a standards developing organization under a method providing for input and consideration of views of industry groups, experts, users, consumers, and governmental authorities, and others having broad experience in the electrical products safety field. A standard is used to control the quality and safety of a product;

(b) Compatible with and be maintained current with periodic revisions of applicable national codes and installation standards; and

(c) Approved by the department. The department will evaluate the proposed standard to determine that it provides an adequate level of safety.

(3) All ANSI safety designated electrical product standards may be deemed acceptable for their intended use without further qualification.

(4) If the product safety standard is not ANSI, the standard must be reviewed and approved by the department as an appropriate electrical product safety standard as a part of the field evaluation or department inspection process.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-998, filed 4/22/03, effective 5/23/03.]

WAC 296-46B-999 Electrical testing laboratory requirements. General.

(1) This chapter describes the methods required to obtain recognition and accreditation of electrical product(s) certification and/or field evaluation laboratories by the state of Washington. This chapter provides assurance to the general consuming public that electrical products have been tested for safety and identified for their intended use.

(2) An electrical product is considered to be safe when it is either certified by a laboratory accredited by the department or labeled with a field evaluation mark by a laboratory accredited by the department.

(a) The department may declare electrical equipment unsafe if:

(i) The equipment is not being manufactured or produced in accordance with all standards of design and construction and all terms and conditions set out in the certification report for the equipment referred to in this chapter;

(ii) The equipment has been shown by field experience to be unduly hazardous to persons or property;

(iii) An examination of the equipment or of the certification report for the equipment shows that the equipment does not comply with all applicable standards; or

(iv) An examination of the certification report or the equipment shows that the equipment cannot be installed in accordance with this chapter.

(b) When the department declares an electrical product unsafe, the department will:

(i) Notify the product manufacturer and the appropriate testing laboratory in writing;

(ii) Notify the general public by:

(A) Report to the Consumer Product Safety Commission;

(B) A published article in the *Electrical Currents*;

(C) Internet website posting; and

(D) News release.

Accreditation - general.

(3) The department's chief electrical inspector's office provides forms and procedures enabling applicants to submit the data necessary for evaluation or accreditation.

(4) The accreditation period of a NRTL will be valid for the period of the laboratory's current OSHA NRTL accreditation. The accreditation of a non-NRTL will be valid for the period of five years from the date of the department's accreditation.

(5) On-site inspection of a laboratory.

(a) On-site inspection of the laboratory may be required during the initial application process or the renewal process. Technically qualified representative(s) of the department will evaluate for compliance with accreditation criteria.

(b) On-site inspection is not required for NRTL-recognized laboratories requesting approval as certification laboratories using standards for which NRTL recognition has been approved.

(c) The department may waive on-site inspection for:

(i) Laboratories recognized or accredited by another state determined to provide an accreditation program acceptable to the department; or

(ii) NRTL-recognized laboratories requesting approval as certification laboratories for using other standards for which NRTL recognition has not been approved.

(d) The applicant must pay all costs associated with the on-site inspection.

(6) For purposes of chapter 19.28 RCW, all laboratories which certify and/or field evaluate electrical products offered for sale in the state of Washington must be accredited by the department. A NRTL requesting approval as a certification laboratory will be approved for accreditation by the department upon completion of the application process.

(7) Fees are payable as required in WAC 296-46B-911.

(8) The laboratory must apply for renewal of accreditation at least thirty days prior to the accreditation expiration date. The department will renew accreditation for the period specified in subsection (4) of this section or notify the renewing laboratory of the department's reason(s) of refusal following receipt of the completed form and renewal fee. Accreditation may be renewed or refused for one or more electrical product category(ies).

(9) The department accepts or denies laboratory accreditation for all laboratories within the state. Accreditation is determined when a laboratory provides evidence to the department that all the requirements of this chapter are met. Accreditation is determined by the department and prior to making a determination, the department may require information and documentation to be provided by the laboratory.

(a) Accreditation is subject to review when deemed necessary by the department. The laboratory must pay all costs associated with on-site review.

(b) Every accredited laboratory must continue to satisfy all the conditions specified in this chapter during the period of the accreditation. A non-NRTL accredited laboratory must furnish the department an annual report detailing the extent of its activities for the year. The report must include, but not be limited to:

(i) The number of factory inspections;

(ii) Organizational structure;

(iii) Statement of ownership;

(iv) Laboratory equipment verification;

(v) Client accreditation programs;

(vi) Reports of litigation, which in any way were the result of or may affect any accreditation or testing of products covered by this chapter; or

(vii) Assessment of recordkeeping (i.e., certification/evaluation plans, certification/evaluation reports).

(c) The department will notify the applicant of the accreditation results. A letter of accreditation from the department is proof of the accreditation of a laboratory.

(10) The laboratory will be approved to certify only those categories identified and authorized by the department.

The department will approve and list electrical product category(ies) the laboratory is qualified to certify or evaluate. The accreditation letter will indicate the electrical product category(ies) for which accreditation is issued.

(11) The department may exclude specific electrical products from acceptance. When required, the laboratory must provide evidence, acceptable to the department, that the laboratory is qualified to certify or field evaluate the specific electrical product. Laboratory recognition as an NRTL for the standard(s) used to certify or field evaluate an electrical product will be acceptable evidence. The standards used for certification or field evaluation must be determined by the department to be acceptable and applicable to the electrical product being certified or field evaluated.

Suspension or revocation.

(12) Any laboratory failing to comply with the requirements of this chapter or submitting false information may have accreditation revoked or suspended for one or more electrical product category(ies).

(13) The department may suspend or revoke the accreditation of any laboratory found to be in noncompliance with this chapter or the laws of the state of Washington.

(14) The department will serve written notice of intent prior to suspension, revocation, or refusal to renew the accreditation of a laboratory.

(15) The laboratory must immediately notify all manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the departmental revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product in the state of Washington. A laboratory, whose accreditation has been suspended, may not reapply for accreditation during the period of such suspension. A laboratory, whose accreditation has been revoked, may reapply for accreditation no sooner than one year after the date of revocation of accreditation.

Business structure, practices, and personnel.

(16) The laboratory must be an independent, third-party organization with no organizational, managerial, financial, design, or promotional affiliation with manufacturers, suppliers, installers, or vendors of products covered under its certification or evaluation programs.

The laboratory must have an adequate diversity of clients or activity so that the loss or award of a specific contract regarding certification or evaluation would not be a deciding factor in the financial well-being of the laboratory.

(17) The laboratory must adequately meet the following business practices:

(a) Perform the examinations, tests, evaluations, and inspections required under the certifications programs in accordance with the designated standards and procedures;

(b) Assure that reported values accurately reflect measured and observed data;

(c) Limit work to that for which competence and capacity is available;

(d) Treat test data, records, and reports as proprietary information;

(e) Respond and attempt to resolve complaints contesting certifications and evaluation results;

(f) Maintain an independent relationship between its clients, affiliates, and other organizations so the laboratory's capacity to give certifications and evaluations objectively and without bias is not adversely affected; and

(g) Notify the department within thirty calendar days should it become unable to conform to any of the requirements of this chapter.

(18) Laboratories accredited under this chapter must notify the department within thirty calendar days of any of the following:

(a) Change in company name and/or address;

(b) Changes in major test equipment which affect the ability to perform work for which accredited;

(c) Changes in principal officers, key supervisory and responsible personnel in the company including the director of testing and engineering services, director of follow-up services, and the laboratory supervisor; or

(d) Change in independent status.

(19) The laboratory must develop and maintain a certification or evaluation program plan that includes, but is not limited to:

(a) The procedures and authority to ensure the product complies with the standard(s) established by the program;

(b) A quality control system;

(c) Adequate personnel to perform the certification or evaluation;

(d) Verification and maintenance of facilities and/or equipment; or

(e) Sample selection as applicable for product certifications, and for component testing as necessary for field evaluations.

The plan must demonstrate that the laboratory has adequate personnel, facilities, and equipment to perform all certifications and testing for which it is accredited by the state of Washington. These elements must be contained in the laboratory operations control manual.

(20) The laboratory must develop and maintain a quality control system adequate to assure the accuracy and technical integrity of its work as follows:

(a) The laboratory's quality control system must include a quality control or laboratory operations control manual;

(b) The quality control or laboratory operations control manual must be adequate to guide a testing technician or inspector in conducting the inspection, evaluation, and/or test in accordance with the test methods and procedures required for the laboratory's certification and/or evaluation program(s); and

(c) The laboratory must have a current copy of its quality control or laboratory operations control manual available in the laboratory for use by laboratory personnel.

(21) Competent personnel who must have training, technical knowledge, and experience adequate to perform the tests, examinations, and evaluations for the certification and/or evaluation activities for which recognition is sought must staff the laboratory.

(22) The laboratory must:

(a) Provide adequate safeguards protecting the employment status of personnel from the influence or control of manufacturers, vendors, or installers of electrical products certified or tested by the laboratory;

(b) Develop and maintain a job description for each technical position category;

(c) Ensure the competency of its staff to perform assigned tasks through individual yearly observation and/or examination by a person(s) qualified by the person who has technical responsibility for the laboratory;

(d) Develop and maintain records of the results and dates of the observation or examination of personnel performance;

(e) Maintain information on the training, technical knowledge, and experience of personnel; and

(f) Develop and maintain an adequate training program assuring that new or untrained personnel will be able to perform assigned tasks properly and uniformly.

Recordkeeping and reporting - general.

(23) The laboratory must develop and maintain records and reports of those testing, inspection, certification, and evaluation activities associated with each program for which accreditation is sought. The laboratory must retain these records for a minimum of three years.

(24) The laboratory must make available to the department, upon request, all records required by the department to verify compliance with this chapter.

Recordkeeping and reporting - certification.

(25) Certification reports must contain, as applicable:

(a) Name and address of the laboratory;

(b) Pertinent data and identification of tests or inspections;

(c) Name of client;

(d) Appropriate product title;

(e) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(f) Description and identification of the sample including, as necessary, where and how the sample was selected;

(g) Identification of the test, inspection, or procedure as specified for certification or evaluation by the standard;

(h) Known deviations, additions to, or exclusions from evaluation and certification activities in order to be appropriate for new or innovative products not contemplated by the standard;

(i) Measurements, examinations, derived results, and identification of test anomalies;

(j) A statement as to whether or not the results comply with the requirements of the standard;

(k) Name, contact information, and signature of person(s) having responsibility for the report;

(l) Raw data, calculations, tables, graphs, sketches, and/or photographs generated during certification or evaluation must be maintained if not included in the report;

(m) Control forms documenting the receipt, handling, storage, shipping, and testing of samples;

(n) Laboratory records of its quality control checks and audits for monitoring its test work associated with its certification programs, including:

(i) Records of products assurance (follow-up) test results; and

(ii) Records of detected errors and discrepancies and actions taken subsequent to such detection.

(o) Record of written complaints and disposition thereof; and

(p) A statement that records required by these criteria will be maintained for a minimum of three years after cessation of the certification or evaluation.

Recordkeeping and reporting - field evaluation.

(26) The evaluation report must include:

(a) Name and address of the laboratory;

(b) Name of client;

(c) Address where the evaluated product is or will be installed;

(d) Designation of standards used to certify or test the product including edition and latest revision (e.g., UL 508, 16th Edition, Feb. 1993, Revision Oct. 9, 1997);

(e) Description and identification of the nonlisted and nonlabeled component(s) requiring evaluation by applicable standard(s);

(f) Description of the overall product evaluated to include full nameplate data and equipment type;

(g) A statement as to whether or not the results comply with the requirements of the standard;

(h) Pertinent test evaluation data and identification of tests or inspections including anomalies;

(i) Signature of person(s) having responsibility for the report;

(j) Any condition of acceptability or restrictions on use/relocation;

(k) Serial number(s) of the field evaluation label(s) applied must be included with the equipment identification; and

(l) The labor and industries department file identification number;

(27) Within thirty calendar days after affixing the evaluation mark, the laboratory must submit a copy of the evaluation report to:

(a) The department's chief electrical inspector submitted electronically in a format approved by the department;

(b) Local electrical inspection office submitted electronically in a format approved by the department; and

(c) Client submitted in any format acceptable to the client and testing laboratory.

Facilities and equipment.

(28) The laboratory must provide adequate evidence of the calibration, verification, and maintenance of the facilities and equipment specified for each certification or evaluation.

(29) Verification and maintenance of facilities and equipment must include as applicable, but not be limited to:

(a) Equipment description;

(b) Name of manufacturer;

(c) Model, style, serial number, or other identification;

(d) Equipment variables subject to calibration and verification;

(e) Statement of the equipment's allowable error and tolerances of readings;

(f) Calibration or verification procedure and schedule;

(g) Dates and results of last calibrations or verifications;

(h) Specified maintenance practices;

(i) Calibration and/or verification of equipment used;

(j) Name and contact information of personnel or outside contractor providing the calibration or verification service; and

(k) Traceability to National Institute of Standards and Technology or other equivalent standard reference authority.

Standards.

(30) The laboratory must have copies available, for laboratory personnel use, of applicable standards and other documents referred to or used in performing each certification or test for which approval is sought.

(31) If a laboratory desires to use a standard other than an ANSI standard, the department will evaluate the proposed standard to determine that it provides an adequate level of safety. The National Electrical Code, NFPA 70, will not be allowed to be the primary standard used to evaluate a product.

Product certification.

(32) The electrical product certification program must contain test procedure(s), standard(s) used, certification agreement(s), method(s) of identification of products, follow-up inspection, and other laboratory procedures and authority necessary to ensure that the product complies with the standards (requirements) established by the program.

(33) All components of certified or tested products must be labeled or evaluated for compliance with all standards and conditions of use applicable to such components.

(34) The laboratory must publish an *Annual Product Directory* identifying products that are authorized to bear the laboratory's certification mark. The products directory must briefly describe the program, the products covered, the name of the manufacturer or vendor of the certified products, and the identification of the published standards or the compiled requirements on which the program is based. The product directory must be available to the public. Supplemental up-to-date information must be available to the public at the office of the laboratory during normal business hours.

Certification laboratory/manufacturer - agreement.

(35) Measures to provide for manufacturer compliance with the provisions of the product standard and laboratory control of the use of the certification mark must be embodied in an agreement between the manufacturer and the certification laboratory. The certification agreement must:

(a) Require the manufacturer to provide information and assistance as needed by the laboratory to conduct the necessary product conformity and production assurance evaluation;

(b) Allow the laboratory's representative(s) access to the manufacturer's facilities during working hours for inspection and may allow audit activities without prior notice;

(c) Restrict the manufacturer's application of certification marks to products that comply with requirements of the product standard;

(d) Secure the manufacturer's agreement to the publication of notice by the certification laboratory for any product already available in the marketplace that does not meet the safety standard;

(e) Require reevaluation of products whenever the standard covering the product is revised;

(f) Require the laboratory to notify the manufacturer's personnel responsible for and authorized to institute product recall in the case of a hazard;

(g) Provide for control of certification marks by the laboratory;

(h) Require that the laboratory provide the manufacturer with a report of original product evaluation. The report must document conformity with applicable product standards by test results and other data; and

(i) Require the identification of the manufacturer(s) of the product and the location(s) where the product is produced.

Certification mark.

(36) The laboratory owns the certification mark.

(37) The certification mark must be registered as a certification mark with the United States Patent and Trademark Office.

(38) The certification mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied to each unit of production in the form of labels or markings suitable for the environment and use of the product. When the physical size of the unit does not permit individual marking, markings may be attached to the smallest package in which the unit is marketed;

(c) Include the name or other appropriate identification of the certification laboratory;

(d) Include the product category; and

(e) The laboratory must have a system of controls and records for all marks. The records must include marks removed or otherwise voided. See WAC 296-46B-999(25).

(39) The certification mark may be applied to the product prior to authorizing the use of a certification mark on a product. The laboratory must:

(a) Determine by examination and/or tests that representative samples of the product comply with the requirements (standards). Components of certified products must comply with the applicable safety requirements (standards) or be listed. Evaluation of the product design must be made on representative production samples or on prototype product samples with subsequent verification that factory productions are the same as the prototype;

(b) Determine that the manufacturer has the necessary facilities, test equipment, and control procedures to ensure that continuing production of the product complies with the requirements; and

(c) If the certification mark is not applied at the manufacturing facility, the laboratory must provide prior notification to the department of its intent to affix the certification mark in the field.

Certification laboratory product - assurance/follow up.

(40) To verify continued product acceptability, the laboratory must develop and maintain a factory follow-up inspection program and manual to determine continued compliance of certified products with the applicable standard.

(41) The follow-up inspection file must include the:

(a) Conditions governing the use of the certification mark on products;

(b) Identification of the products authorized for certification;

(c) Identification of manufacturer and plant location at which manufacture and certification are authorized;

(d) Description, specifications, and requirements applicable to the product;

(e) Description of processes needed for control purposes;

(f) Description of the manufacturer's quality assurance program when used as part of the follow-up program;

(g) Description of inspections and tests to be conducted by the manufacturer and the laboratory; and

(h) Description of follow-up tests to be conducted in the laboratory.

(42) Follow-up procedures and activities must include:

(a) Periodic inspections at the factory with testing at the factory or certification laboratory of representative samples selected from production and, if appropriate, from the market;

(b) Periodic auditing or surveillance of the manufacturer's quality assurance program through the witnessing of manufacturer's tests, review of the manufacturer's records, and verification of the manufacturer's produced data;

(c) Investigation of alleged field failures upon department request; and

(d) Procedures for control of the use of the certification mark by:

(i) Keeping records of the release and use of certification marks;

(ii) Removal of marks from noncomplying products;

(iii) Return or destruction of unused marks when the authority to use the marks is terminated; and

(iv) Legal action.

(43) The frequency of laboratory follow-up inspections must not be less than four times per year during production, unless adequate data is provided to the department to justify less frequent inspections. If there is no production during the year, at least one follow-up inspection is to be completed. The frequency of follow-up inspections must be sufficient to provide a reasonable check on the method(s) the manufacturer exercises to assure that the product bearing the certification mark complies with the applicable standards.

Field evaluation - requirements.

(44) The field evaluation laboratory may perform evaluations on any products or product categories previously approved by the department. NRTL recognition may be accepted by the department as a basis for approval to perform field evaluations. Since OSHA does not review or recognize laboratories for field evaluation purposes, laboratories seeking accreditation from the department for field evaluation may be required to provide additional justification of capability such as, but not limited to: Recordkeeping, employee standards and proficiency, equipment requirements, and other requirements described in this chapter.

(45) The laboratory must request permission from the department in writing two working days prior to conducting any field evaluation of an electrical product to be installed in any jurisdiction in the state. Requests must be made using a department-supplied form.

(46) The field evaluation process must be completed within six months following department approval. If the field evaluation is not completed within six months following department approval, the laboratory must request permission from the department in writing to continue the evaluation process. If this secondary permission is granted to the laboratory, the department may require the equipment to be placed out-of-service except as necessary to complete the field evaluation process.

(47) The scope of a field evaluation will depend on the status of the item to be evaluated as follows:

(a) A new piece of equipment must have a complete evaluation of all components and the assembly as provided by the manufacturer. For example: An industrial machine with a control panel, remote motors, sensors, controls, and other utilization equipment; and

(b) A product that has been modified internally or by an addition need have only those portions evaluated that were affected by the modification. For example: A switchboard with multiple sections that has a section added would only need the new section, the one section immediately adjacent, and any control modifications evaluated.

(48) Each unit that receives a field evaluation mark applied by the field evaluation laboratory must have sufficient inspections and/or testing completed to ensure it is in essential conformance with the applicable product standard(s).

(49) The laboratory may perform the preliminary evaluation in the manufacturer's facility. Final evaluation and acceptance of the product must be made on-site at the location of final installation, unless waived by the department.

Field evaluation mark.

(50) Only laboratory personnel may apply the field evaluation mark after final acceptance of the product. The field evaluation label must be applied on-site at the location of the final installation, unless waived by the department.

(51) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided.

(52) A field evaluated product may be relocated or fed from a different power source if not prohibited by the field evaluation mark or the field evaluation report.

(53) The field evaluation mark must:

(a) Not be readily transferable from one product to another;

(b) Be directly applied by the laboratory personnel to each unit of production in the form of labels or markings suitable for the environment and use of the product;

(c) Include the name or other appropriate identification of the certification laboratory; and

(d) Include a unique evaluation laboratory reference number.

(54) The field evaluation laboratory must have a system of controls and records for all field evaluation marks it applies. The records must include labels removed or otherwise voided. See subsection (26) of this section.

[Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311,

19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW. 03-09-111, § 296-46B-999, filed 4/22/03, effective 5/23/03.]

Chapter 296-52 WAC

SAFETY STANDARDS FOR POSSESSION, HANDLING, AND USE OF EXPLOSIVES

WAC

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WAC 296-52-60020 Exemptions. (1) **The following are exempt from this chapter:**

(a) Explosives or blasting agents transported by railroad, water, highway, or air under the jurisdiction of the Federal Department of Transportation (DOT), the Washington state utilities and transportation commission, and the Washington state patrol.

(b) Laboratories of schools, colleges, and similar institutions if confined to the purpose of instruction or research and if the quantity does not exceed one pound.

(c) Explosives in the forms prescribed by the official United States Pharmacopoeia.

(d) The transportation, storage, and use of explosives or blasting agents in the normal and emergency operations of:

• The United States agencies and departments including the regular United States military departments on military reservations

• Arsenals, navy yards, depots, or other establishments owned by, operated by, or on behalf of, the United States

• The duly authorized militia of any state

• The emergency operations of any state department or agency, any police, or any municipality or county

(e) A hazardous devices technician when they are carrying out:

• Normal and emergency operations

• Handling evidence

• Operating and maintaining a specially designed emergency response vehicle that carries no more than ten pounds of explosive materials

• When conducting training and whose employer possesses the minimum safety equipment prescribed by the Federal Bureau of Investigation (FBI) for hazardous devices work

Note: A hazardous devices technician is a person who is a graduate of the FBI Hazardous Devices School and who is employed by a state, county, or municipality.

(f) The importation, sale, possession, and use of fireworks, signaling devices, flares, fuses, and torpedoes.

(g) The transportation, storage, and use of explosives or blasting agents in the normal and emergency avalanche control procedures used by trained and licensed ski area operator personnel. However, the storage, transportation, and use of explosive and blasting agents for such use must meet the requirements in chapter 296-59 WAC, Safety standards for ski operations.

Note: The purpose of this chapter is to protect the public by enabling ski area operators to exercise appropriate avalanche control measures. The legislature finds that avalanche control is of vital importance to safety in ski areas and that the provisions of the Washington State Explosives Act contain restrictions, which do not reflect special needs for the use of explosives as a means of clearing an area of serious avalanche risks. This act recognizes these needs while providing for a system of regulations designed to make sure that the use of explosives for avalanche control conforms to fundamental safety requirements.

(h) Any violation under this chapter if any existing ordinance of any city, municipality, or county is more stringent.

(2) **Noncommercial military explosives.** Storage, handling, and use of noncommercial military explosives are exempt from this chapter while they are under the control of the United States government or military authorities.

(3) **Import, sale, possession, or use of:**

• Consumer fireworks
• Signaling devices
• Flares
• Fuses
• Torpedoes

(4) **Consumer fireworks.** Fireworks classified as Division 1.4 explosives by U.S. DOT and regulated through the State fireworks law (chapter 70.77 RCW) and the fireworks administrative code (chapter 212-17 WAC) by the Washington state fire marshal.

Note: Consumer fireworks are classified as fireworks UN0336 and UN0337 by U.S. DOT (49 CFR 72.101).

(5) **Partial exemption—Division 1.1, 1.2, or 1.3 display fireworks.** Display fireworks are fireworks classified as Division 1.1, 1.2, or 1.3 explosives by US DOT. Users of Division 1.1, 1.2, or 1.3 display fireworks must comply with all storage or storage related requirements (for example, licensing, construction, and use) of this chapter.

Note: Display fireworks are classified as fireworks UN0333, UN0334, or UN0335 by U.S. DOT (49 CFR 172.101).

(6) **Conditional exemption small arms explosive materials.** Public consumers possessing and using:

• Black powder, under five pounds
• Smokeless powder, under fifty pounds
• Small arms ammunition
• Small arms ammunition primers

– Unless these materials are possessed or used illegally or for a purpose inconsistent with small arms use.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-60020, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-60020, filed 1/23/02, effective 3/1/02.]

WAC 296-52-60130 Definitions. American Table of Distances means the American Table of Distances for Storage of Explosives as revised and approved by Institute of the Makers of Explosives (IME).

Approved storage facility means a facility for the storage of explosive materials which is in compliance with the following chapter:

• Storage licensing (WAC 296-52-660)

• Storage of explosive materials (WAC 296-52-690)

• Magazine construction (WAC 296-52-700).

Attend means the physical presence of an authorized person who stays in view of the explosives.

Authorized, approved, or approval means authorized, approved, or approval by:

• The department

• Any other approving agency

• An individual as specified in this chapter.

Authorized agent means a person delegated by a licensed purchaser, who possesses a basic knowledge of explosives handling safety, to order and receive explosives on the purchaser's behalf.

Authorized agent list means a current list of agents the purchaser has authorized to order or receive explosives on their behalf.

Authorized person means a person approved or assigned by an employer, owner, or licensee to perform a specific type of duty or be at a specific location at the job site.

Barricades

• **Barricade** means effectively screening a building containing explosives by means of a natural or artificial barrier from a magazine, another building, a railway, or highway.

• **Artificial barricade** means a barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier, an artificial mound or properly revetted wall of earth with a minimum thickness of three feet.

• **Natural barricade** means any natural hill, mound, wall, or barrier composed of earth, rock, or other solid material at least three feet thick.

BATF means the Bureau of Alcohol, Tobacco, and Firearms.

Blast area means the area of a blast that is effected by:

• Flying rock missiles

• Gases

• Concussion.

Blast pattern means the plan of the drill holes laid out and a display of the burden distance, spacing distance, and their relationship to each other.

Blast site means the area where explosive material is handled during loading and fifty feet in all directions from loaded blast holes or holes to be loaded.

Blaster means a person trained and experienced in the use of explosives and licensed by the department.

Blaster in charge means a licensed blaster who is:

• Fully qualified, by means of training and experience in explosives use

• Adequately trained, experienced, and capable of recognizing hazardous conditions throughout the blast area

• In charge of:

– The blast process

– All aspects of explosives and blasting agent storage, handling, and use as recommended by the manufacturer and as required by this chapter

• In a position of authority:

– To take prompt corrective action in all areas of the blast operation

– Over all other blasters at the blast area

Blasting agent means any material or mixture consisting of a fuel and oxidizer:

• That is intended for blasting

• Not otherwise defined as an explosive

• If the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined

– A number 8 test blasting cap is one containing two grams of a mixture of eighty percent mercury fulminate and twenty percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40-0.45 grams of PETN base charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer

Blockholing means the breaking of boulders by firing a charge of explosives that has been loaded in a drill hole.

Competent person means a person who:

• Is capable of identifying existing hazardous and the forecasting of hazards of working conditions which might be unsanitary or dangerous to personnel or property

• Has authorization to take prompt corrective action to eliminate such hazards.

Consumer fireworks means:

• Any small firework device:

– Designed to produce visible effects by combustion

– That must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission (Title 16 CFR, Parts 1500 and 1507),

• A small device designed to produce audible effects which include, but are not limited to:

– Whistling devices

– Ground devices containing 50 mg or less of explosive materials

– Aerial devices containing 130 mg or less of explosive materials

Note: Fused set pieces containing components, which, together, exceed 50 mg of salute powder are not included.

Conveyance means any unit used for transporting explosives or blasting agents, including, but not limited to:

• Trucks

• Trailers

• Rail cars

• Barges

• Vessels.

Day box means a box which:

• Is a temporary storage facility for storage of explosive materials

• Is not approved for unattended storage of explosives

• May be used at the worksite during working hours to store explosive materials, provided the day box is:

– Constructed as required (WAC 296-52-70065, Explosives day box),

– Marked with the word "explosives"

– Used in a manner that safely separates detonators from other explosives

– Guarded at all times against theft

Dealer means any person who purchases explosives or blasting agents for the sole purpose of resale and not for use or consumption.

Detonating cord means a round flexible cord containing a center core of high explosive and used to initiate other explosives.

Detonator means any device containing any initiating or primary explosive that is used for initiating detonation and includes, but is not limited to:

• Electric detonators of instantaneous and delay types

• Detonators for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous delay detonators which use detonating cord, shock tube, or any other replacement for electric leg wires.

Discharge hose means a hose with an electrical resistance high enough to limit the flow of stray electric currents to safe levels, but not high enough to prevent drainage of static electric charges to the ground. Hose not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

Display fireworks means large fireworks:

• Designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, and include, but are not limited to:

– Salutes containing more than 2 grains (130 mg) of explosive materials

– Aerial shells containing more than 40 grams of pyrotechnic compositions

– Other display pieces, which exceed the limits of explosive materials for classification as "consumer fireworks"

– Fused set pieces containing components, which together exceed 50 mg of salute powder

Electric detonator means a blasting detonator designed for and capable of detonation by means of electric current.

Electric blasting circuitry consists of these items:

• **Bus wire.** An expendable wire used in parallel or series, or in parallel circuits, which are connected to the leg wires of electric detonators.

• **Connecting wire.** An insulated expendable wire used between electric detonators and the leading wires or between the bus wire and the leading wires.

• **Leading wire.** An insulated wire used between the electric power source and the electric detonator circuit.

• **Permanent blasting wire.** A permanently mounted insulated wire used between the electric power source and the electric detonator circuit.

Electric delay detonators means detonators designed to detonate at a predetermined time after energy is applied to the ignition system.

Emulsion means an explosive material containing:

• Substantial amounts of oxidizer dissolved in water droplets, surrounded by an immiscible fuel

• Droplets of an immiscible fuel surrounded by water containing substantial amounts of oxidizer.

Explosives means:

• Any chemical compound or mechanical mixture:

– Commonly intended or used for the purpose of producing an explosion

– That contains any oxidizing and combustible units or other ingredients in proportions, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonation of any part of the compound or mixture may cause sudden generation of highly heated gases resulting in gaseous pressures capable of producing destructive effects on contiguous objects or of destroying life or limb

• All material classified as Division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by U.S. DOT

• For the purposes of public consumer use, the following are not considered explosives unless they are possessed or used for a purpose inconsistent with small arms use or other legal purposes:

– Small arms ammunition

– Small arms ammunition primers

– Smokeless powder, not exceeding fifty pounds

– Black powder, not exceeding five pounds

Explosive actuated power devices means any tool or special mechanized device, which is activated by explosives and does not include propellant actuated power devices.

Explosives classifications. Explosives classifications include, but are not limited to:

• Division 1.1 and Division 1.2 explosives (possess mass explosion or detonating hazard):

– Dynamite

– Nitroglycerin

– Picric acid

– Lead azide

– Fulminate of mercury

– Black powder (exceeding 5 pounds)

– Detonators (in quantities of 1,001 or more)

– Detonating primers

• Division 1.3 explosives (possess a minor blast hazard, a minor projection hazard, or a flammable hazard):

– Propellant explosives

– Smokeless powder (exceeding fifty pounds)

• Division 1.4 explosives:

– Explosives that present a minor explosion hazard

– Includes detonators that will not mass detonate in quantities of 1,000 or less

• Division 1.5 explosives:

– Explosives with a mass explosion hazard but are so insensitive that there is little probability of initiation

– ANFO and most other blasting agents are in this division

• Division 1.6 explosives:

– Explosives that are extremely insensitive and do not have a mass explosion hazard

Explosives exemption. The exemption for small arms ammunition, small arms ammunition primers, smokeless powder, not exceeding fifty pounds, and black powder, not exceeding five pounds:

• Applies to public consumer use only

• Does not apply to the employer employee relationship covered under the Washington Industrial Safety and Health Act.

Explosives international markings.

• The department will accept U.S. DOT and/or BATF international identification markings on explosives and/or explosives containers or packaging

• This exception is under the authority of RCW 70.74.020(3) and in lieu of Washington state designated

markings (as defined by RCW 70.74.010(4) (Division 1.1, 1.2, and 1.3) and required by RCW 70.74.300).

Explosives manufacturing building means any building or structure, except magazines:

• Containing explosives where the manufacture of explosives, or any processing involving explosives, is conducted

• Where explosives are used as a component part or ingredient in the manufacture of any article or device.

Explosives manufacturing plant means all lands with buildings used:

• In connection with the manufacturing or processing of explosives

• For any process involving explosives

• For the storage of explosives

• To manufacture any article or device where explosives are used as a component part or ingredient in the article or device.

Fireworks means any composition or device:

• Designed to produce a visible or an audible effect by combustion, deflagration, or detonation

• Which meets the definition of "consumer fireworks" or "display fireworks."

Forbidden or not acceptable explosives means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the Federal Department of Transportation (DOT).

Fuel means a substance, which may react with oxygen to produce combustion.

Fuse (safety). See "safety fuse."

Fuse lighters means special devices used for the purpose of igniting safety fuses.

Handler means any individual who handles explosives or blasting agents for the purpose of transporting, moving, or assisting a licensed blaster in loading, firing, blasting, or disposal.

Note: This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers, or contract haulers.

Hand loader means any person who engages in the noncommercial assembly of small arms ammunition for personal use; specifically, any person who installs new primers, powder, and projectiles into cartridge cases.

Highway means roads, which are regularly and openly traveled by the general public and includes public streets, alleys, roads, or privately financed, constructed, or maintained roads.

Improvised device means a device, which is:

• Fabricated with explosives

• Fabricated with destructive, lethal, noxious, pyrotechnic, or incendiary chemicals, and designed, or has the capacity to disfigure, destroy, distract, and harass.

Inhabited building means:

• A building which is regularly occupied, in whole or in part, as a habitat for human beings

• Any church, schoolhouse, railroad station, store, or other building where people assemble.

Note: This does not mean any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

Low explosives means explosive materials, which can be caused to deflagrate when, confined. This includes:

• Black powder, safety fuses, igniters, igniter cords, fuse lighters, and display fireworks defined as Division 1.2 or Division 1.3 explosives by U.S. DOT (49 CFR Part 173).

Note: This does not apply to bulk salutes.

Magazine means any building, structure, or container approved for storage of explosive materials.

Note: This does not apply to an explosive manufacturing building.

Manufacturer means any person, partnership, firm, company, or corporation who manufactures explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product.

EXEMPTIONS: The following exemptions are restricted to materials and components, which are not classified (by U.S. D0T) as explosives until after they are mixed. With this restriction, the definition of manufacturer *does not* include:

• Inserting a detonator into a cast booster or a stick of high explosive product to make a primer for loading into a blast hole

• The act of mixing on the blast site, either by hand or by mechanical apparatus, binary components, ammonium nitrate, fuel oil, and/or emulsion products to create explosives for immediate down blast hole delivery.

Misfire means the complete or partial failure of an explosive charge to explode as planned.

Mudcap (also known as bulldozing and dobying) means covering the required number of cartridges that have been placed on top of a boulder with a three or four-inch layer of mud, which is free from rocks or other material that could cause a missile hazard.

Nonelectric delay detonator means a detonator with an integral delay element in conjunction with and capable of being detonated by a:

• Detonation impulse

• Signal from miniaturized detonating cord

• Shock tube.

Oxidizer means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

Permanent magazines means magazines that:

• Are fastened to a foundation

• Do not exceed permanent magazine capacity limits (RCW 70.74.040)

• Are approved and licensed

• Are left unattended.

Person means any individual, firm, partnership, corporation, company, association, person or joint stock association or trustee, receiver, assignee, or personal representative of that entity.

Person responsible, for an explosives magazine, means:

• The person legally responsible for a magazine that actually uses the magazine

• The person is responsible for the proper storage, protection, and removal of explosives, and may be the owner lessee, or authorized operator.

Portable (field) magazines means magazines that are:

• Designed to be unattended

• Not permanently fastened to a foundation

• Constructed or secured to make sure they cannot be lifted, carried, or removed easily by unauthorized persons

• Limited to the capacity of explosives required for efficient blasting operation

• Approved and licensed.

Possess means the physical possession of explosives in one's hand, vehicle, magazine, or building.

Primary blasting means the blasting operation that dislodged the original rock formation from its natural location.

Primer means a unit, package, cartridge, or container of explosives inserted into or attached to a detonator or detonating cord to initiate other explosives or blasting agents.

Propellant actuated power device means any tool, special mechanized device, or gas generator system, which is actuated by a propellant and releases and directs work through a propellant charge.

Public utility transmission systems means:

• Any publicly owned systems regulated by:

– The utilities and transportation commission

– Municipalities

– Other public regulatory agencies, which include:

– Power transmission lines over 10 kV, telephone cables, or microwave transmission systems

– Buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil or refined products and chemicals

Purchaser means any person who buys, accepts, or receives explosives or blasting agents.

Pyrotechnics, commonly referred to as fireworks, means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects.

Qualified person means a person who has successfully demonstrated the ability to solve or resolve problems relating to explosives, explosives work, or explosives projects by:

• Possession of a recognized degree or certificate

• Professional standing

• Extensive knowledge, training, and experience.

Railroad means any type of railroad equipment that carries passengers for hire.

Safety fuse (for firing detonators) means a flexible cord containing an internal burning medium by which fire is conveyed at a continuous and uniform rate.

Secondary blasting means using explosives, mudcapping, or blockholing to reduce oversize material to the dimension required for handling.

Shock tube means a small diameter plastic tube:

• Used for initiating detonators

• That contains a limited amount of reactive material so energy, transmitted through the tube by means of a detonation wave, is guided through and confined within the walls of the tube.

Small arms ammunition means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant actuated power devices and industrial guns.

Note: This does not mean military type ammunition containing explosive bursting incendiary, tracer, spotting, or pyrotechnic projectiles.

Small arms ammunition primers means small percussion sensitive explosive charges encased in a detonator or capsule used to ignite propellant power or percussion detonators used in muzzle loaders.

Smokeless powder means solid chemicals or solid chemical mixtures that function by rapid combustion.

Special industrial explosive devices means explosive actuated power devices and propellant-actuated power devices.

Special industrial explosives materials means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include:

• Dynamite

• Trinitrotoluene (TNT)

• Pentaerythritol tetranitrate (PETN)

• Hexahydro-1, 3, 5-trinitro-s-triazine (RDX)

• Other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

Springing means the creation of a pocket in the bottom of a drill hole by the use of a moderate quantity of explosives so that larger quantities of explosives may be inserted.

Sprung hole means a drilled hole that has been enlarged by a moderate quantity of explosives to allow for larger quantities of explosives to be inserted into the drill hole.

Stemming means a suitable inert incombustible material or device used to confine or separate explosives in a drill hole or cover explosives in mudcapping.

Trailer means semi-trailers or full trailers, as defined by U.S. DOT, which are:

• Built for explosives

• Loaded with explosives

• Operated in accordance with U.S. DOT regulations.

U.S. DOT means the United States Department of Transportation.

Vehicle means any car, truck, tractor, semi-trailer, full trailer, or other conveyance used for the transportation of freight.

Water-gels or emulsion explosives. These explosives:

• Comprise a wide variety of materials used for blasting. Two broad classes of water-gels are those which:

– Are sensitized by material classed as an explosive, such as TNT or smokeless powder

– Contain no ingredient classified as an explosive which are sensitized with metals, such as aluminum, or other fuels

• Contain substantial proportions of water and high proportions of ammonium nitrate, some ammonium nitrate is in the solution in the water, and may be mixed at an explosives plant, or the blast site immediately before delivery into the drill hole.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-60130, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-60130, filed 1/23/02, effective 3/1/02.]

WAC 296-52-61040 Reasons why applicants may be disqualified. Licenses will not be issued for the manufacture, retail sale, purchase, storage, or use of explosives to any applicant, who is any of the following:

• Who does not provide proof of a valid explosive license or permit issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)

• Under twenty-one years of age

• Whose license is suspended or revoked, except as provided in this section

• Convicted in any court of a crime punishable by imprisonment for a term exceeding one year

• Legally determined at the time of application to be:
– Mentally ill
– Insane
– Committed to a mental institution
– Incompetent due to any mental disability or disease at the time of application.

Note: The department will not reissue a license until competency has been legally restored.

• Physically ill or disabled, and cannot use explosives safely. Disqualifying disabilities may include, but are not limited to:
– Blindness
– Deafness
– Epileptic or diabetic seizures or coma.

Note: The department will not reissue a license until the applicant's physical ability is verified by a qualified physician through the appeal process (WAC 296-52-60065, Violation appeals).

• Who is an alien, unless:
– They are lawfully admitted for permanent residence
– They are in lawful nonimmigrant status

• Who has been dishonorably discharged from the United States armed forces

• Who has renounced their citizenship from the United States.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-037, § 296-52-61040, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-61040, filed 1/23/02, effective 3/1/02.]

WAC 296-52-62005 Responsibility to obtain a dealer's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives (including black powder and blasting agents) for resale, must have a valid dealer's license issued by the department and a valid license or permit issued by the ATF.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-037, § 296-52-62005, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-62005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-63005 Responsibility to obtain a purchaser's license. Any person, firm, partnership, corporation, or public agency wanting to purchase explosives or blasting agents must have a valid purchaser's license or permit issued by the department and a valid license issued by the ATF.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-037, § 296-52-63005, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-63005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-65005 Responsibility to obtain a manufacturer's license. Any person, firm, partnership, corporation, or public agency wanting to manufacture explosives or blasting agents, or use any process involving explosives as a component part in the manufacture of any device, article, or product must have a valid manufacturer's license from the department and a valid user permit or license issued by the ATF.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-037, § 296-52-65005, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-65005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-66005 Responsibility to obtain a storage license. Any person, firm, partnership, corporation, or public agency wanting to store explosive materials must have a valid license from the department and a valid user permit or license issued by the ATF.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-037, § 296-52-66005, filed 4/30/03, effective 5/24/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-66005, filed 1/23/02, effective 3/1/02.]

WAC 296-52-67065 Vibration and damage control. (1) Ground vibration - maximum limits.

Either Table 8-A or Table 8-B can be used to determine the maximum limits of ground vibration for any dwelling, public building, school church, commercial site, cofferdams, piers, underwater structures, or institutional building nearby the blasting site. The methods used for monitoring vibration and calculating frequency must be included in the blast plan.

Table 8-A
PEAK PARTICLE VELOCITY LIMITS

Distance from blasting site	Maximum allowable peak particle velocity[1]
0 to 300 ft (91.4 m)	1.25 in/sec (31.75 mm/sec)
301 to 5000 ft (91.5 m to 1524 m)	1.00 in/sec (25.4 mm/sec)
5001 ft (1525 m) and beyond	0.75 in/sec (19 mm/sec)

[1] Peak particle velocity must be measured in three mutually perpendicular directions and the maximum allowable limits must apply to each of these measurements.

(a) Frequency versus particle velocity graphics. In lieu of Table 8-A, a blasting operation has the option to use the graphs shown in Figure 8a or 8b to limit peak particle velocity based upon the frequency of the blast vibration. If either of the graphs in Figure 8a or 8b is used to limit vibration levels, the methods used for monitoring vibration and calculating frequency must be included in the blast plan.

Figure 8a

Alternative Blasting Level Criteria

Place illustration here.

BLAST VIBRATION FREQUENCY, Hz

Figure 8b

Alternative Blasting Level Criteria
Place illustration here.

BLAST VIBRATION FREQUENCY, Hz

(b) Scaled distance equations. Unless a blasting operation uses a seismograph to monitor a blast to assure compliance with Table 8-A or Figures 9a or 8b, the operation must comply with the scaled distance equations shown in Table 8-B.

Table 8-B
SCALED-DISTANCE EQUATIONS

Distance from Blasting Site	Scaled Distance Equation
0 to 300 ft (91.4 m)	W (lbs) = (d (ft)/50)2 or W (kg) = (d (m)/22.6)2
301 to 5000 ft (92 m to 1524 m)	W (lbs) = (d (ft)/55)2 or W (kg) = (d (m)/24.9)2
5001 ft (1524 m) and beyond	W (lbs) = (d (ft)/65) or W (kg) = (d (m)/29.4)2

Key:
W = The maximum weight of explosives in pounds (or kilograms) that can be detonated per delay interval of 8 milliseconds or greater.
d = The distance in feet (or meters) from the blast to the nearest dwelling, public building, school, church, commercial, or institutional building not owned, leased, or contracted by the blasting operation, or on property where the owner has not given a written waiver to the blasting operation.

Note: To convert English Units of scaled distances (ft/lb^2) to metric units (m/kg^2) divide by a factor of 2.21.

(2) **Air blast - Maximum limits.** Air blast must not exceed the maximum limits listed in Table 8-C. Use Table 8-C to determine maximum air blast limits at any dwelling, public building, school, church, commercial, or institutional building not owned, leased, contracted, or on the property where the owner has not provided a written waiver to the blasting operation.

Table 8-C

AIR-BLAST LIMITS

Lower Frequency of Measuring System in Hz (+ or - 3 decibels)		Measurement Level in Decibels
0.1 Hz or Lower	Flat Response	134 Peak
2 Hz or Lower	Flat Response	133 Peak
6 Hz or Lower	Flat Response	129 Peak
C-Weighted	Slow Response	105 Peak dBC

(3) Flyrock outside the blast area:

(a) **Uncontrolled flyrock.** Flyrock traveling in the air or along the ground cannot be cast from the blast area in an uncontrolled manner, which could result in personal injury or property damage. Uncontrolled flyrock (airborne or along the ground), that could cause personal injury or property damage, is not allowed from the blast area.

(b) **Contract or written waiver.** Flyrock cannot be propelled from the blast area onto property where the blasting operation has not contracted or received a written waiver from the owner.

(c) **Use of protective material.** When blasting in congested areas or close to a structure, railway, highway, or any other installation that could be damaged, the blast must be covered, before firing, with a mat or other protective material that will prevent fragments from being thrown.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-073, § 296-52-67065, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-67065, filed 1/23/02, effective 3/1/02.]

WAC 296-52-67160 Types and classifications. (1) **Contains explosive substance.** Water-gel and emulsion explosive materials that contain a substance classified as an explosive must be classified as an explosive.

(2) **Contains no explosive substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive or as cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as an explosive.

Note: Water-gel formulas, which are tested and classified as a U.S. DOT Division 1.2 or 1.3 explosives do not require bullet resistant magazines.

(3) **Contains blasting agent substance.** Water-gel and emulsion explosive materials that do not contain any substance classified as an explosive and are not cap-sensitive (as defined under "blasting agent" in WAC 296-52-60130, Definitions) must be classified as blasting agents.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-073, § 296-52-67160, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-67160, filed 1/23/02, effective 3/1/02.]

WAC 296-52-68060 Operation of vehicles transporting explosives. (1) **Authorized explosives transportation.** Explosives may only be transported by a:

- Licensed manufacturer
- Blaster
- Purchaser, seller, or their designated representative

OR

- Contract carrier for hire who complies with all requirements for transportation of hazardous materials

(2) **Driver qualifications.**

(a) Vehicles transporting explosives must be driven by a responsible licensed driver who is:

- At least twenty-one years old
- Physically fit
- Careful
- Capable
- Reliable
- Able to read and write the English language
- Not addicted to or under the influence of intoxicants, narcotics, or other dangerous drugs. (This does not apply to people taking prescription drugs and/or narcotics as directed by a physician, as long as use of the prescription drug does not endanger the worker or others.)

(b) The driver must be:

- Familiar with all:

– Traffic regulations

– Department of Transportation (U.S. DOT) and other state laws in the transportation of explosives and hazardous material laws

- Aware of:

– What they are carrying

– Safety precautions for the explosives being transported

(3) **Parking - Division 1.1 or 1.2 explosives.** A vehicle that contains Division 1.1 or 1.2 explosives cannot be parked:

- On or within five feet of the traveled portion of a public street or highway
- On private property, including fueling or eating facilities, without the knowledge and consent of the person. The person in charge must be aware of the hazardous materials in the vehicle

OR

- Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble

Exemption: These restrictions do not apply when:
– Routine operations require the vehicle be parked for a brief period of time
– It is impractical to park the vehicle any other place

(4) **Vehicle attendance.** A vehicle transporting any quantity of Division 1.1 or 1.2 explosives must be attended at all times by a driver or other representative of the vehicle carrier, exceptions are:

- A vehicle containing explosive materials may be left unattended for a period not to exceed forty-eight hours provided:

– The vehicle is parked in a designated parking lot, which complies with NFPA Std. 498 and the appropriate distance table for the type and quantity of explosives.

- The parking lot must:

– Be correctly bermed, walled, or fenced, and gated to prevent unauthorized entry

– Be inspected and approved by the department

– Provide a full-time, continuous security patrol when explosives are present

- An explosives delivery truck does not need to be attended when it only contains Division 1.5 and no high explosives, provided the:

– Vehicle is locked so it cannot be moved

– Cargo compartments are locked to prevent theft

– Vehicle is parked according to all applicable storage distance requirements

– Vehicle is located in a secured area that restricts entry of unauthorized personnel

(5) **Attendant.**

(a) An authorized attendant must be physically present and able to see the explosives at all times.

(b) In an emergency, the attendant must be able to quickly get to the explosives without interference.

(c) The attendant must:

• Be awake

• Be alert

• Not be engaged in activities, which could divert their attention

• Be aware of the division of the explosive material and its dangers

• Be instructed in the methods and procedures used to protect the public

• Be familiar with the particular vehicle being driven

• Be trained in the use of the vehicle

• Have authorization and be able to move the vehicle if required

(6) **Loading precautions.** A vehicle must comply with U.S. DOT loading regulations in order to transport explosives in the same vehicle body with the following items:

• Spark producing metal

• Spark producing tools

• Oils

• Matches

• Firearms

• Electric storage batteries

• Flammable substances

• Acids

• Oxidizing materials

OR

• Corrosive compounds

(7) **Congested areas.** Vehicles transporting explosives must avoid congested areas and heavy traffic.

(8) **Disabled vehicles.**

• A qualified person must be present before explosives can be transferred from a disabled vehicle to another vehicle

• If a vehicle becomes disabled in a congested area, you must promptly notify local fire and police authorities. In a remote area they may be notified if necessary.

(9) **Explosives delivery and issue.** Delivery and issue of explosives must be made:

• Only by and to authorized people

• Into authorized magazines or authorized temporary storage or handling areas.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-68060, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-68060, filed 1/23/02, effective 3/1/02.]

WAC 296-52-69010 Explosives. All Division 1.1, 1.2, 1.3, and 1.4 explosives, special industrial explosives, and any newly developed unclassified explosives, must be kept in magazines that meet the requirements of RCW 70.74.120 and this chapter, unless the explosives are:

• In the manufacturing process

• Being physically handled

• Being used at the blast site

OR

• Being transported to a place of storage or use.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-69010, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-69010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-69015 Exempt explosives. Explosives exempt from these storage requirements are:

Type of Explosive	Exempted Amount
Stocks of: • Small arms ammunition, • Propellant-actuated power cartridges, and • Small arms ammunition primers	Quantities less than 750,000
Smokeless powder	Quantities less than 150 pounds
Black powder (as used in muzzleloading firearms)	Quantities less than 5 pounds
Explosive-actuated power devices	Quantities less than 50 pounds net weight of explosives
Fuse lighters and igniters	(not applicable)
Safety fuses (except cordeau detonant fuses)	(not applicable)

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-69015, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-69015, filed 1/23/02, effective 3/1/02.]

WAC 296-52-69095 Ammonium nitrate. (1) **Storage.**

(a) Ammonium nitrate storage requirements do not apply to:

• The transportation of ammonium nitrates while under the jurisdiction of and in compliance with U.S. DOT regulations (see 49 CFR, Part 173)

• The storage of ammonium nitrates while under the jurisdiction of and in compliance with U.S. Coast Guard (see 49 CFR, Parts 146-149)

• The storage of ammonium nitrate and ammonium nitrate mixtures, which are more sensitive than allowed by the bulletin

"Definition and test procedures for ammonium nitrate fertilizers" from the Fertilizer Institute 501 2nd St. NE, Washington, DC 20006.

This definition limits the contents of organic materials, metals, sulfur, etc., in products that may be classified ammonium nitrate fertilizer.

• The production of ammonium nitrate or the storage of ammonium nitrate on the premises of the producing plant, if no hazards are created to the employees or public

• The standards for ammonium nitrate (nitrous oxide grade) that are found in the:

"Specifications, properties and recommendations for packaging, transportation, storage and use of ammonium nitrate," from the Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Suite 1004, Arlington, VA 22202-4100.

(b) Ammonium nitrate storage requirements apply to:

• Anyone, in addition to the owner or lessee of any building, premises, or structure having or storing ammonium nitrate in quantities of one thousand pounds (425 kg) or more

• Ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing sixty percent or more ammonium nitrate by weight

Note: The approval of large quantity storage is based on the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(c) Storage buildings housing ammonium nitrate must:

• Have adequate ventilation or be self-ventilating in the event of a fire

• Have fire resistant walls when the exposed side of a storage building is within fifty feet (15.2 m) of a combustible building, forest, piles of combustible materials, and similar exposure hazards. Other suitable means of exposure protection such as a freestanding wall may be used instead of a fire resistant wall

• Have roof coverings that are Division 1.4 or better as defined in Roof Coverings, NFPA 203M-1970

• Have flooring of noncombustible material or be protected against saturation by ammonium nitrate. In case of fire, the floor must not have open drains, traps, tunnels, pits, or pockets into which molten ammonium nitrate could flow and be confined

• Be dry and free from water seepage through the roof, walls, and floors

• Not have basements, unless the basements are open on at least one side

• Not be over one story in height

Note: The continued use of an existing storage building or structure may be approved in cases where continued use will not constitute a hazard to life or adjoining property.

Bags, drums, and other containers of ammonium nitrate must:

(d) Comply with specifications and standards required for use in interstate commerce (see 49 CFR, Chapter 1). Containers used on the premises in the actual manufacturing or processing do not need to comply.

• Not be used for storage when the temperature of the ammonium nitrate exceeds 130°F (54.4°C)

• Not be stored within thirty inches (76 cm) of the storage building walls and partitions

• Not be stacked higher than twenty feet (6.1 m) in height, twenty feet (6.1 m) in width, and fifty feet (15.2 m) in length. When buildings are constructed of noncombustible materials or protected by automatic sprinklers, there are no stacking height restrictions

• Never be stacked closer than thirty-six inches (.09 m) below the roof or overhead supporting and spreader beams

• Be separated by aisles a minimum of 3 feet wide. There must be one main aisle in the storage area a minimum of four feet (1.2 m) wide

(e) Bulk ammonium nitrate must be stored:

• In warehouses with adequate ventilation or be capable of adequate ventilation in case of fire

• In structures that are not more than forty feet (12.2 m) high, unless:

– They are constructed of noncombustible material

OR

– Have adequate facilities for fighting a roof fire

• In clean bins that are free of materials that could cause contamination

• In bins or piles that are clearly identified by signs reading "AMMONIUM NITRATE" in letters a minimum of two inches (5 cm) high

• In bins or piles sized and arranged so all material is moved periodically to minimize the possibility of caking

• Adequately separated from easily combustible fuels. Bins cannot be made of galvanized iron, copper, lead, and zinc because of the:

– Corrosive and reactive properties of ammonium nitrate

AND

– To avoid contamination

• In tightly constructed wooden and aluminum bins that are protected against saturation from ammonium nitrate

• In tightly constructed partitions that divide the ammonium nitrate from other products to avoid contamination

• Where the temperature of the product does not exceed 130°F (54.4°C)

• No higher than thirty-six inches (0.9 m) below the roof or overhead supporting and spreader beams if stacked in piles. Stack limits (height and depth), should be determined by the pressure setting tendency of the product

(f) Bulk ammonium nitrate when caked, cannot be broken up or loosed by the use of dynamite, other explosives or blasting agents.

(g) Bulk ammonium nitrate cannot be stored with:

• LP Gas on the premises except when such storage complies with WAC 296-24-475, Storage and handling of liquefied petroleum gases

• Sulfur and finely divided metals in the same building except when such storage complies with this chapter and NFPA standard 495, Explosives Materials Code

• Explosives and blasting agents in the same building except on the premises of manufacturers, distributors, and user of explosives or blasting agents

• When explosives or blasting agents are stored in separate buildings, other than on the approval of manufacturers, distributors, and user, they must be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 or a minimum of fifty feet (15.2 m)

• With flammable liquids, such as gasoline, kerosene, solvents, and light fuel oils on the premises except when such storage conforms to WAC 296-24-330, Flammable and combustible liquids, and when walls, sills or curbs are provided in accordance with WAC 296-52-69095, Ammonium nitrate

(2) Contaminants must be stored in a separate building from ammonium nitrate

OR

Be separated by an approved firewall of not less that one-hour fire resistance rating which should extend to the underside of the roof. Alternatively, the contaminants may be separated by a minimum of thirty feet (9.1 m), instead of using walls. These contaminants are:

• Organic chemicals

• Acids

• Other corrosive materials

• Materials that may require blasting during processing or handling

• Compressed flammable gases

• Flammable and combustible materials

• Other substances including:

Animal fats	Baled cotton	Baled rags	Baled scrap paper
Bleaching powder	Burlap or cotton bags	Caustic soda	Coal
Coke	Charcoal	Cork	Camphor
Excelsior	Fibers of any kind	Fish oil	Fish meal
Foam rubber	Hay	Lubricating oil	Linseed oil
Other oxidizable or drying oils	Naphthalene	Oakum	Oiled clothing
Oiled paper	Oiled textiles	Paint	Straw
Sawdust	Wood shavings	Vegetable oil	

(3) Housekeeping requirements must have:

• Electrical installations, which meet the requirements of chapter 296-24 WAC, Part L, Electrical, and WAC 296-800-280, Basic electrical rules, for ordinary locations and be designed to minimize damage from corrosion

• Adequate lightning protections in areas where lightning storms are prevalent (see NFPA 78-1992, Lightning Protection Code)

• Procedures to prevent unauthorized personnel from entering the ammonium nitrate storage area

(4) Fire protection must provide:

• Water supplies and fire hydrants

• Suitable fire control devices, such as a small hose or portable fire extinguishers, throughout the warehouse and in the loading/unloading areas. These devices must comply with the requirements of WAC 296-800-300, Portable fire extinguishers, and WAC 296-24-602, Standpipe and hose systems

• Approved sprinkler systems installed according to WAC 296-24-607, Automatic sprinkler systems

• Two thousand five hundred tons (two thousand two hundred seventy metric) or less of bagged ammonium nitrate may be stored in a structure that does not have an automatic sprinkler system.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-69095, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-69095, filed 1/23/02, effective 3/1/02.]

WAC 296-52-69125 Table H-24—Low explosives. (1) Use Table H-24 for: Magazines that are restricted to:

• Division 1.2 or 1.3

• Division 1.4, low explosives

• Low explosives classified by BATF

(2) Detonators cannot be stored with low explosives.

Table H-24

TABLE OF DISTANCES FOR STORAGE OF LOW EXPLOSIVES

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not Over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-69125, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-69125, filed 1/23/02, effective 3/1/02.]

WAC 296-52-69130 Table of distances for the storage of display fireworks (except bulk salutes).

Net weight of fireworks (pounds)	Distance between magazine and inhabited building, passenger railway, or public highway (feet)	Distance between magazine (feet)
0-1,000	150	100
1,001-5,000	230	150
5,001-10,000	300	200
Above 10,000	Use Table H-20	

Note 1: The net weight is the weight of all pyrotechnic compositions, and explosive materials and fuse only.

Note 2: For the purposes of applying this table, the term magazine also includes fireworks shipping buildings for display fireworks.

Note 3: For fireworks storage magazines in use prior to (2000) the distances in this table may be halved if properly barricaded between the magazine and potential receptor sites.

Note 4: This table does not apply to the storage of bulk salutes. Use Table H-20 for storage of bulk salutes.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-69130, filed 3/4/03, effective 8/1/03.]

WAC 296-52-70010 Building construction for Class 1 magazines. All building-type storage facilities must:

• Be constructed of masonry, wood, metal, or a combination of these materials

• Have no openings except for entrances and ventilation

• Have the ground around the facility slope away for drainage

(1) **Wall construction.**

(a) **Masonry wall construction.** Masonry wall construction must:

• Consist of brick, concrete, tile, cement block, or cinder block

• Be at least eight inches thick

(b) **Hollow masonry construction.** Hollow masonry construction must:

• Have all hollow spaces filled with well tamped coarse dry sand

OR

• Have weak concrete (a mixture of one part cement to eight parts sand with enough water to dampen the mixture) while tamping in place

AND

• Have interior walls covered with a nonsparking material

(c) **Fabricated metal wall construction.**

• Metal wall construction must be securely fastened to a metal framework and consist of one of the following types of metal:

– Sectional sheets of steel (at least number 14 gauge)

OR

– Aluminum (at least number 14 gauge)

• Metal wall construction must:

– Be lined with brick, solid cement blocks, and hardwood at least four inches thick or material of equivalent strength

– Have a minimum of six-inch sand fill between interior and exterior walls

– Have interior walls constructed of or covered with a nonsparking material

(d) **Wood frame wall construction.**

• Exterior wood walls must be covered with iron or aluminum at least number 26 gauge

• Inner walls, made of nonsparking materials must be constructed with a space:

– A minimum of six inches between the outer and inner walls

AND

– Filled with coarse dry sand or weak concrete

(2) **Floors.** Floors must be:

(a) Constructed of a nonsparking material.

(b) Strong enough to hold the weight of the maximum quantity to be stored.

(3) **Foundation.**

• Foundations must be constructed of brick, concrete, cement block, stone, or wood posts

• If piers or posts are used instead of a continuous foundation, the space under the building must be enclosed with metal

(4) **Roof.**

(a) Roofs must be covered with no less than number 26 gauge iron or aluminum fastened to a 7/8-inch sheathing, except for buildings with fabricated metal roofs.

(b) If it is possible for a bullet to be fired directly through the roof at such an angle that it would strike a point below the top of the inner walls, storage facilities must be protected by one of the following two methods:

• A sand tray must be:

– Located at the top of the inner wall covering the entire ceiling area, except the area necessary for ventilation.

– Lined with a layer of building paper.

– Filled with at least four inches of coarse dry sand.

• A fabricated metal roof must be constructed of 3/16-inch plate steel lined with four inches of hardwood or material of equivalent strength. For each additional 1/16-inch of plate steel, the hardwood or material of equivalent strength lining may be decreased one inch.

(5) **Doors and hinges.**

(a) All doors must be constructed of 1/4-inch plate steel and lined with two inches of hardwood or material of equivalent strength.

(b) Hinges and hasps must be installed so they cannot be removed when the doors are closed and locked by:

• Welding

• Riveting

OR

• Bolting nuts on the inside of the door

(6) **Locks.**

(a) Each door must be equipped with:

• Two mortise locks

• Two padlocks fastened in separate hasps and staples

• A combination of a mortise lock and a padlock

• A mortise lock that requires two keys to open

OR

• A three-point lock

(b) Padlocks must:

• Have a minimum of five tumblers

• Have a case hardened shackle at least 3/8 inches in diameter

• Be protected with a minimum of 1/4-inch steel hoods, constructed to prevent sawing or lever action on the locks, hasps, and staples

Note: These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be operated from the outside.

(7) **Ventilation.**

• A two-inch air space must be left around ceilings and the perimeter of floors, except in doorways

• Foundation ventilators must be at least four inches by six inches

• Vents in the foundation, roof, or gables must be screened and offset

(8) **Exposed metal.**

• Sparking metal construction cannot be exposed below the tops of walls in storage facilities

• All nails must be blind nailed, countersunk, or nonsparking.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-70010, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-70010, filed 1/23/02, effective 3/1/02.]

WAC 296-52-710 Exemptions. These rules do not apply to in process storage and intraplant transportation during the manufacture of small arms ammunition, small arms primers, and smokeless powder.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-073, § 296-52-710, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-710, filed 1/23/02, effective 3/1/02.]

WAC 296-52-71020 Storage with Division 1.1, 1.2, or 1.3 explosives. Small arms ammunition cannot be stored with Division 1.1, 1.2, or 1.3 explosives. Unless the storage facility is adequate for Division 1.1, 1.2, or 1.3 storage, small arms ammunition cannot be stored there.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-073, § 296-52-71020, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-71020, filed 1/23/02, effective 3/1/02.]

WAC 296-52-71040 Shipping container.

• Small arms smokeless powder (Division 1.2 or 1.3) must be packed, stored, and transported in U.S. DOT approved shipping containers.

• All smokeless powder must be stored in shipping containers made for smokeless powder (as required by 49 CFR 173.93).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-073, § 296-52-71040, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-71040, filed 1/23/02, effective 3/1/02.]

WAC 296-52-71045 Storage. (1) **Private residence or car.**

• Twenty-five pounds or less of small arms smokeless powder, no restrictions

• Twenty-five to fifty pounds of small arms smokeless powder, they must be stored in a strong box or cabinet constructed of a minimum of 3/4-inch plywood or equivalent material, on all sides, top, and bottom

(2) **Commercial stocks.**

• Over twenty pounds but not more than one hundred pounds of small arms smokeless powder must be stored in portable wooden boxes with a minimum of one-inch thick walls

• Small arms smokeless powder not exceeding one hundred fifty pounds, must be stored in a nonportable storage cabinet with a minimum of one-inch thick wood walls

(3) **Dealer's warehouse.**

• A dealer's warehouse cannot hold more then one hundred fifty pounds of small arms smokeless powder

• Twenty to one hundred pounds of small arms smokeless powder must be stored in a minimum of one-inch thick portable or fixed wooden boxes

(4) **Dealer's display.**

• The dealer's display cannot exceed more then seventy-five pounds of small arms smokeless powder

• Small arms smokeless powder must be stored in one-pound containers

(5) **Magazines.** Small arms smokeless powder that exceed one hundred fifty pounds must be stored in approved licensed magazines. See Storage licensing, WAC 296-52-660, Storage of explosive materials, WAC 296-52-690, and Magazine construction, WAC 296-52-700.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-073, § 296-52-71045, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-125, § 296-52-71045, filed 1/23/02, effective 3/1/02.]

Chapter 296-54 WAC

SAFETY STANDARDS—LOGGING OPERATIONS

WAC

296-54-51130 Hearing protection.

WAC 296-54-51130 Hearing protection. The employer must provide hearing protection when required by chapter 296-817 WAC, Hearing loss prevention (noise).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-54-51130, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-17-117, § 296-54-51130, filed 8/18/99, effective 12/1/99.]

Chapter 296-56 WAC

SAFETY STANDARDS—LONGSHORE, STEVEDORE AND RELATED WATERFRONT OPERATIONS

WAC

296-56-60001 Scope and applicability.

WAC 296-56-60001 Scope and applicability. (1) The rules included in this chapter apply throughout the state of Washington, to any and all waterfront operations under the jurisdiction of the department of labor and industries.

(2) These minimum requirements are promulgated in order to augment the general safety and health standards, and any other safety and health standards promulgated by the department of labor and industries which are applicable to all places of employment under the jurisdiction of the department of labor and industries. The rules of this chapter, and the rules of chapters 296-24, 296-62 and 296-800 WAC are applicable to all longshore, stevedore and related waterfront operations: Provided, That such rules shall not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(3) The provisions of this chapter shall prevail in the event of a conflict with, or duplication of, provisions contained in chapters 296-24, 296-62 and 296-800 WAC. Specific standards which are applicable include, but are not limited to:

(a) Electrical—Chapter 296-24 WAC Part L, and WAC 296-800-280.

(b) Toxic and hazardous substances are regulated by chapter 296-62 WAC. Where references to this chapter are given they are for informational purposes only. Where specific requirements of this chapter conflict with the provisions of chapter 296-62 WAC this chapter prevails. Chapter 296-62 WAC does not apply when a substance or cargo is contained within a manufacturer's original, sealed, intact means of packaging or containment complying with the department of transportation or International Maritime Organization requirements.

(c) Hearing loss prevention (noise)—Chapter 296-817 WAC.

(d) Standards for commercial diving operations—Chapter 296-37 WAC.

(e) Safety requirements for scaffolding—Chapter 296-24 WAC Part J-2.

(f) Safe practices of abrasive blasting operations—Chapter 296-24 WAC Part H-2.

(g) Access to employee exposure and medical records—Chapter 296-62 WAC Part B.

(h) Respiratory protection—Chapter 296-62 WAC Part E.

(i) Safety standards for grain handling facilities—Chapter 296-99 WAC.

(j) Chemical hazard communication program—WAC 296-800-170.

(k) Asbestos—Chapters 296-62 Part I-1 and 296-65 WAC.

(l) Permit - required confined spaces and confined space—Chapter 296-62 WAC Part M.

(m) Servicing multipiece and single-piece rim wheels—Chapter 296-24 WAC Part D.

(n) First-aid requirements—WAC 296-800-150.

(o) Employee emergency plans and fire prevention plans—Chapter 296-24 WAC Part G-1.

(4) The provisions of this chapter do not apply to the following:

(a) Fully automated bulk coal handling facilities contiguous to electrical power generating plants.

(b) Facilities subject to the regulations of the office of pipeline safety regulation of the materials transportation bureau, department of transportation, to the extent such regulations apply.

(5) WAC 296-62-074 shall apply to the exposure of every employee to cadmium in every employment and place of employment covered by chapter 296-56 WAC in lieu of any different standard on exposures to cadmium that would otherwise be applicable by virtue of those sections.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-56-60001, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-56-60001, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040. 99-02-024, § 296-56-60001, filed 12/30/98, effective 3/30/99. Statutory Authority: Chapter 49.17 RCW. 95-04-007, § 296-56-60001, filed 1/18/95, effective 3/1/95; 93-07-044 (Order 93-01), § 296-56-60001, filed 3/13/93, effective 4/27/93. Statutory Authority: Chapter 49.17 RCW and RCW 49.17.040, [49.17].050 and [49.17].060. 92-22-067 (Order 92-06), § 296-56-60001, filed 10/30/92, effective 12/8/92. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-56-60001, filed 11/22/91, effective 12/24/91; 89-11-035 (Order 89-03), § 296-56-60001, filed 5/15/89, effective 6/30/89; 88-14-108 (Order 88-11), § 296-56-60001, filed 7/6/88. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-064 (Order 86-02), § 296-56-60001, filed 1/17/86; 85-10-004 (Order 85-09), § 296-56-60001, filed 4/19/85; 85-01-022 (Order 84-24), § 296-56-60001, filed 12/11/84.]

Chapter 296-59 WAC

SAFETY STANDARDS FOR SKI AREA FACILITIES AND OPERATIONS

WAC

296-59-090 Mobile equipment and lift trucks.

WAC 296-59-090 Mobile equipment and lift trucks.

(1) Mobile equipment shall be designed, constructed, maintained, and used in accordance with this section and appropriate ANSI and/or SAE requirements.

(2) Operator training.

(a) Methods shall be devised by management to train personnel in the safe operation of mobile equipment.

(b) Training programs for all mobile equipment shall include the manufacturer's operating instructions when such instructions are available.

(c) Only trained and authorized operators shall be permitted to operate such vehicles.

(3) Special duties of operator. Special duties of the operator of a power-driven vehicle shall include the following:

(a) Test brakes, steering gear, lights, horns, warning devices, clutches, etc., before operating vehicle;

(b) Not move a vehicle while an unauthorized rider is on the vehicle;

(c) Slow down and sound horn upon approaching blind corners or other places where vision or clearance is limited;

(d) Comply with all speed and traffic regulations and other applicable rules;

(e) Have the vehicle being operated under control at all times so that he can safely stop the vehicle in case of emergency; and

(f) Keep the load on the uphill side when driving a forklift vehicle on a grade.

(4) Operator to be in proper position. Control levers of lift trucks, front end loaders, or similar types of equipment shall not be operated except when the operator is in his proper operating position.

(5) Raised equipment to be blocked. Employees shall not work below the raised bed of a dump truck, raised buckets of front end loaders, raised blades of tractors or in similar positions without blocking the equipment in a manner that will prevent it from falling. When working under equipment suspended by use of jacks, safety stands or blocking shall be used in conjunction with the jack.

(6) Precautions to be taken while inflating tire. Unmounted split rim wheels shall be placed in a safety cage or other device shall be used which will prevent a split rim from striking the worker if it should dislodge while the tire is being inflated.

(7) Reporting suspected defects. If, in the opinion of the operator, a power-driven vehicle is unsafe, the operator shall report the suspected defect immediately to the person in charge. Any defect which would make the vehicle unsafe to operate under existing conditions shall be cause for immediate removal from service. The vehicle shall not be put back into use until it has been made safe.

(8) Safe speed. Vehicles shall not be driven faster than a safe speed compatible with existing conditions.

(9) Unobstructed view.

(a) Vehicle operators shall have a reasonably unobstructed view of the direction of travel. Where this is not possible, the operator shall be directed by a person or by a safe guidance means or device.

(b) Where practical, mirrors shall be installed at blind corners or intersections which will allow operators to observe oncoming traffic.

(c) It is recommended that vehicles operating in congested areas be provided with an automatic audible or visual alarm system.

(10) Passengers to ride properly.

(a) Passengers shall not be permitted to ride with legs or arms extending outside the running lines of the cab, FOPS, or ROPS of any vehicle.

(b) Passengers on mobile oversnow equipment shall ride within the cab unless exterior seating is provided. The exterior seating may include the cargo bed provided that the bed is equipped with sideboards and a tailgate at least ten inches high. If passengers are permitted to stand in the bed, adequate handholds shall be provided.

(c) The number of passengers and seating arrangements within the cab on any mobile equipment shall not interfere with the operator's ability to safely operate the equipment.

(d) Exterior passengers shall not be permitted on mobile oversnow equipment which has snow grooming equipment mounted on the bed or when the machine is towing any kind of equipment, sleds, etc.

(e) Operators shall use good judgment with respect to speed and terrain when carrying exterior passengers.

(11) Horns and lights.

(a) Every vehicle shall be provided with an operable horn distinguishable above the surrounding noise level.

(b) Any vehicle required to travel away from an illuminated area shall be equipped with a light or lights which adequately illuminate the direction of travel.

(12) Brakes on power-driven vehicles. Vehicles shall be equipped with brakes and devices which will hold a parked vehicle with load on any grade on which it may be used. The brakes and parking devices shall be kept in proper operating condition at all times.

(13) Cleaning vehicles. All vehicles shall be kept free of excessive accumulations of dust and grease which may present a hazard.

(14) Lifting capacity of vehicle to be observed. At no time shall a load in excess of the manufacturer's maximum lifting capacity rating be lifted or carried. Such lifting capacity may only be altered with the approval of the equipment manufacturer or a qualified design engineer.

(15) Posting rated capacity. The maximum rated lifting capacity of all lift trucks shall at all times be posted on the vehicle in such a manner that it is readily visible to the operator.

(16) Carrying loose material. Lift trucks shall not be used to carry loose loads of pipe, steel, iron, lumber, palletized material, rolls of paper, or barrels unless adequate clearance is provided and the loads are stabilized.

(17) Position of lift forks or clamps. The forks or clamps of lift trucks shall be kept as low as possible while the vehicle is moving. They shall be lowered to the ground or floor when the vehicle is parked.

(18) Walking under loads prohibited. No person shall be allowed under the raised load of a lift truck, backhoe, or front end loader.

(19) Hoisting of personnel on vehicle forks prohibited. Personnel shall not be hoisted by standing directly on the forks of vehicles.

(20) Using forklifts as elevated work platforms. A platform or structure built specifically for hoisting persons may be used providing the following requirements are met:

(a) The structure must be securely attached to the forks and shall have standard guardrails and toeboards installed on all sides;

(b) The hydraulic system shall be so designed that the lift mechanism will not drop faster than one hundred thirty-five feet per minute in the event of a failure in any part of the system. Forklifts used for elevating work platforms shall be identified that they are so designed;

(c) A safety strap shall be installed or the control lever shall be locked to prevent the boom from tilting;

(d) An operator shall attend the lift equipment while workers are on the platform;

(e) The operator shall be in the normal operating position while raising or lowering the platform. A qualified operator shall remain in attendance whenever an employee is on the work platform;

(f) The vehicle shall not travel from point to point while workers are on the platform except that inching or maneuvering at very slow speed is permissible; and

(g) The area between workers on the platform and the mast shall be adequately guarded to prevent contact with chains or other shear points.

(21) Overhead guards on lift trucks. All lift trucks shall be equipped with an overhead guard constructed and installed to conform to USAS B56.1-1969 "Safety Code for Powered Industrial Trucks." This guard may be removed only when it cannot be used due to the nature of the work being performed in which case loads shall be maintained so as not to create a hazard to the operator.

(22) Protection from exhaust system. Any exhaust system which might be exposed to contact shall be properly insulated or isolated to protect personnel. Exhaust systems on lift trucks and jitneys shall be constructed to discharge either within twenty inches from the floor or eighty-four inches or more above the floor. The exhausted gases shall be directed away from the operator. The equipment shall be designed in such a manner that the operator will not be exposed to the fumes.

(23) Emergency exit from mobile equipment. Mobile equipment with an enclosed cab shall be provided with an escape hatch or other method of exit in case the regular exit cannot be used.

(24) Vehicle wheels chocked. When driving mobile equipment onto the bed of a vehicle, the wheels of the vehicle shall be chocked.

(25) Prevent trailer from tipping. Suitable methods shall be used or devices installed which will prevent the trailer from tipping while being loaded or unloaded.

(26) Refueling. Gasoline or LPG engines shall be shut off during refueling.

(27) Close valve on LPG container. Whenever vehicles using LP gas as a fuel are parked overnight or stored for extended periods of time indoors, with the fuel container in place, the service valve of the fuel container shall be closed.

(28) LPG tanks. LPG vehicle fuel tanks shall be installed and protected in a manner which will minimize the possibility of damage to the tank.

(29) Inspecting and testing of LPG containers. LPG containers shall be inspected and tested as required by chapter 296-24 WAC.

(30) Spinners on steering wheels. The use of spinners on steering wheels shall be prohibited unless an antikick device is installed or the equipment has a hydraulic steering system.

(31) The requirements of chapter 296-817 WAC, Hearing loss prevention (noise), apply to mobile equipment operation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-59-090, filed 5/19/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 88-14-108 (Order 88-11), § 296-59-090, filed 7/6/88.]

Chapter 296-62 WAC
GENERAL OCCUPATIONAL HEALTH STANDARDS

WAC

296-62-05101 Repealed.
296-62-05103 Repealed.
296-62-05105 Repealed.
296-62-05110 Repealed.
296-62-05120 Repealed.
296-62-05122 Repealed.
296-62-05130 Repealed.
296-62-05140 Repealed.
296-62-05150 Repealed.
296-62-05160 Repealed.
296-62-05172 Repealed.
296-62-05174 Repealed.
296-62-05176 Repealed.
296-62-054 Repealed.
296-62-05402 Repealed.
296-62-05404 Repealed.
296-62-05406 Repealed.
296-62-05408 Repealed.
296-62-05410 Repealed.
296-62-05412 Repealed.
296-62-070 Repealed.
296-62-07001 Repealed.
296-62-07003 Repealed.
296-62-07005 Repealed.
296-62-071 Respiratory protection.
296-62-07308 General regulated area requirements.
296-62-07336 Acrylonitrile.
296-62-07342 1,2-Dibromo-3-chloropropane.
296-62-07347 Inorganic arsenic.
296-62-07419 Hygiene areas and practices.
296-62-07460 Butadiene.
296-62-075 Air contaminants.
296-62-07521 Lead.
296-62-07719 Hygiene facilities and practices.
296-62-080 Repealed.
296-62-08001 Bloodborne pathogens.
296-62-09015 Hearing conservation.
296-62-11021 Repealed.
296-62-130 Repealed.
296-62-20015 Hygiene facilities and practices.
296-62-31020 Showers and change rooms used for decontamination.
296-62-31335 Showers and change rooms.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-62-05101 What is the purpose of this rule? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05101, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05103 Which employers are covered by this rule? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05103, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05105 What is a "caution zone job"? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05105, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05110 When do employers' existing ergonomics activities comply with this rule? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05110, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05120 Which employees must receive ergonomics awareness education and when? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05120, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05122 What must be included in ergonomics awareness education? [Statutory Authority: RCW 49.17.010, [49.17].-040, and [49.17].050. 00-12-024, § 296-62-05122, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05130 What options do employers have for analyzing and reducing WMSD hazards? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05130, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05140 How must employees be kept involved and informed? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-62-05140, filed 11/20/01, effective 7/1/02; 00-12-024, § 296-62-05140, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05150 How are terms and phrases used in this rule? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05150, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05160 When must employers comply with this rule? [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05160, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05172 Appendix A: Illustrations of physical risk factors. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05172, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05174 Appendix B: Criteria for analyzing and reducing WMSD hazards for employers who choose the specific performance approach. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05174, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-05176 Appendix C: Standard industry classification (SIC) codes. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 00-12-024, § 296-62-05176, filed 5/26/00, effective 7/1/02.] Repealed by Initiative 841, approved 11/4/03, effective 12/4/03.

296-62-054 Manufacturers, importers and distributors—Hazard communication. [Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-01-096, § 296-62-054, filed 12/17/02, effective 6/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].-050. 01-11-038, § 296-62-054, filed 5/9/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. 88-14-108 (Order 88-11), § 296-62-054, filed 7/6/88. Statutory Authority: RCW 49.17.040 and 49.17.050. 84-22-012 (Order 84-22), § 296-62-054, filed 10/30/84; 84-13-001 (Order 84-14), § 296-62-054, filed 6/7/84.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-05402 Determine whether the chemicals you produce in your workplace or import are hazardous. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-05402, filed 5/9/01, effective 9/1/01.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-05404 Use these criteria in making hazard determinations. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-05404, filed 5/9/01, effective 9/1/01.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-05406 Determine whether the chemicals you produce or import are health hazards. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-05406, filed 5/9/01, effective 9/1/01.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-05408 Obtain or develop a material safety data sheet for each hazardous chemical you produce or import. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].-050. 01-11-038, § 296-62-05408, filed 5/9/01, effective 9/1/01.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.-

040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-05410 Label clearly each container of hazardous chemicals that leaves your workplace. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-05410, filed 5/9/01, effective 9/1/01.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-05412 Provide material safety data sheets. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-05412, filed 5/9/01, effective 9/1/01.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-560 through 296-307-56050.

296-62-070 Chemical agents (airborne or contact). [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-62-070, filed 8/1/02, effective 10/1/02; Order 70-8, § 296-62-070, filed 7/31/70, effective 9/1/70; Section VII, effective 8/1/63.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-009.

296-62-07001 Definitions (airborne chemical agents). [Order 73-3, § 296-62-07001, filed 5/7/73.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-009.

296-62-07003 Definitions (contact chemical agents). [Order 73-3, § 296-62-07003, filed 5/7/73.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-009.

296-62-07005 Control of chemical agents. [Order 73-3, § 296-62-07005, filed 5/7/73.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-018.

296-62-080 Biological agents. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-62-080, filed 8/1/02, effective 10/1/02; Order 73-3, § 296-62-080, filed 5/7/73; Order 70-8, § 296-62-080, filed 7/31/70, effective 9/1/70; Rule 8.010, effective 8/1/63.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-018.

296-62-11021 Open surface tanks. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-15-102, § 296-62-11021, filed 7/17/02, effective 10/1/02; 01-11-038, § 296-62-11021, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-11021, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 91-24-017 (Order 91-07), § 296-62-11021, filed 11/22/91, effective 12/24/91. RCW 49.17.040, 49.17.050, and 49.17.240. 81-16-015 (Order 81-20), § 296-62-11021, filed 7/27/81; 80-11-010 (Order 80-14), § 296-62-11021, filed 8/8/80; Order 73-3, § 296-62-11021, filed 5/7/73.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-307 WAC, Part U-3.

296-62-130 Emergency washing facilities. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-62-130, filed 8/1/02, effective 10/1/02. Statutory Authority: RCW 49.17.040. 99-07-063, § 296-62-130, filed 3/17/99, effective 6/17/99. Statutory Authority: RCW 49.17.040 and 49.17.050. 85-10-004 (Order 85-09), § 296-62-130, filed 4/19/85; Order 73-3, § 296-62-130, filed 5/7/73; Order 70-8, § 296-62-130, filed 7/31/70, effective 9/1/70; Rule 13.010, effective 8/1/63.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see chapter 296-307 WAC, Part B.

WAC 296-62-05101 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05103 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05105 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05110 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05120 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05122 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05130 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05140 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05150 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05160 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05172 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05174 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05176 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-054 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05402 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05404 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05406 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05408 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05410 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-05412 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-07001 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-07003 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-07005 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-071 Respiratory protection.

Note: The requirements in WAC 296-62-071 through 296-62-07295 apply only to agriculture. The requirements for all other industries relating to respiratory protection have been moved to chapter 296-842 WAC, Respirators, and chapter 296-841 WAC, Respiratory hazards.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-62-071, filed 10/1/03, effective 1/1/04. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-62-071, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-16-016 (Order 81-19), § 296-62-071, filed 7/27/81.]

WAC 296-62-07308 General regulated area requirements. (1) Respirator program. The employer must implement a respiratory protection program as required in chapter 296-62 WAC, Part E (except WAC 296-62-07130 (1) and (5) and 296-62-07131).

(2) Emergencies. In an emergency, immediate measures including, but not limited to, the requirements of (a), (b), (c), (d) and (e) of this subsection shall be implemented.

(a) The potentially affected area shall be evacuated as soon as the emergency has been determined.

(b) Hazardous conditions created by the emergency shall be eliminated and the potentially affected area shall be decontaminated prior to the resumption of normal operations.

(c) Special medical surveillance by a physician shall be instituted within twenty-four hours for employees present in the potentially affected area at the time of the emergency. A report of the medical surveillance and any treatment shall be included in the incident report, in accordance with WAC 296-62-07312(2).

(d) Where an employee has a known contact with a listed carcinogen, such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(e) An incident report on the emergency shall be reported as provided in WAC 296-62-07312(2).

(3) Hygiene facilities and practices.

(a) Storage or consumption of food, storage or use of containers of beverages, storage or application of cosmetics, smoking, storage of smoking materials, tobacco products or other products for chewing, or the chewing of such products, are prohibited in regulated areas.

(b) Where employees are required by this section to wash, washing facilities shall be provided in accordance with WAC 296-800-230.

(c) Where employees are required by this section to shower, shower facilities shall be provided.

(i) One shower shall be provided for each ten employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

(ii) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in WAC 296-800-230, of the safety and health core rules.

(iii) Showers shall be provided with hot and cold water feeding a common discharge line.

(iv) Employees who use showers shall be provided with individual clean towels.

(d) Where employees wear protective clothing and equipment, clean change rooms shall be provided and shall be equipped with storage facilities for street clothes and separate storage facilities for the protective clothing for the number of such employees required to change clothes.

(e) Where toilets are in regulated areas, such toilets shall be in a separate room.

(4) Contamination control.

(a) Regulated areas, except for outdoor systems, shall be maintained under pressure negative with respect to nonregulated areas. Local exhaust ventilation may be used to satisfy this requirement. Clean makeup air in equal volume shall replace air removed.

(b) Any equipment, material, or other item taken into or removed from a regulated area shall be done so in a manner that does not cause contamination in nonregulated areas or the external environment.

(c) Decontamination procedures shall be established and implemented to remove carcinogens from the surfaces of materials, equipment and the decontamination facility.

(d) Dry sweeping and dry mopping are prohibited.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-62-07308, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07308, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07308, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-24-013 (Order 83-34), § 296-62-07308, filed 11/30/83. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-62-07308, filed 11/13/80.]

WAC 296-62-07336 Acrylonitrile. (1) Scope and application.

(a) This section applies to all occupational exposure to acrylonitrile (AN), Chemical Abstracts Service Registry No. 000107131, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to exposures which result solely from the processing, use, and handling of the following materials:

(i) ABS resins, SAN resins, nitrile barrier resins, solid nitrile elastomers, and acrylic and modacrylic fibers, when these listed materials are in the form of finished polymers, and products fabricated from such finished polymers;

(ii) Materials made from and/or containing AN for which objective data is reasonably relied upon to demonstrate that the material is not capable of releasing AN in airborne concentrations in excess of 1 ppm as an eight-hour time-weighted average, under the expected conditions of processing, use, and handling which will cause the greatest possible release; and

(iii) Solid materials made from and/or containing AN which will not be heated above 170°F during handling, use, or processing.

(c) An employer relying upon exemption under (1)(b)(ii) shall maintain records of the objective data supporting that

exemption, and of the basis of the employer's reliance on the data as provided in subsection (17) of this section.

(2) Definitions, as applicable to this section:

(a) "Acrylonitrile" or "AN" - acrylonitrile monomer, chemical formula CH2=CHCN.

(b) "Action level" - a concentration of AN of 1 ppm as an eight-hour time-weighted average.

(c) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the opportunity to observe monitoring procedures under subsection (18) of this section.

(d) "Decontamination" means treatment of materials and surfaces by water washdown, ventilation, or other means, to assure that the materials will not expose employees to airborne concentrations of AN above 1 ppm as an eight-hour time-weighted average.

(e) "Director" - the director of labor and industries, or his authorized representative.

(f) "Emergency" - any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment, which is likely to, or does, result in unexpected exposure to AN in excess of the ceiling limit.

(g) "Liquid AN" means AN monomer in liquid form, and liquid or semiliquid polymer intermediates, including slurries, suspensions, emulsions, and solutions, produced during the polymerization of AN.

(h) "Polyacrylonitrile" or "PAN" - polyacrylonitrile homopolymers or copolymers, except for materials as exempted under subsection (1)(b) of this section.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of two parts acrylonitrile per million parts of air (2 ppm), as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration of acrylonitrile in excess of 10 ppm as averaged over any fifteen-minute period during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to skin contact or eye contact with liquid AN or PAN.

(4) Notification of use and emergencies.

(a) Use. Within ten days of the effective date of this standard, or within fifteen days following the introduction of AN into the workplace, every employer shall report, unless he has done so pursuant to the emergency temporary standard, the following information to the director for each such workplace:

(i) The address and location of each workplace in which AN is present;

(ii) A brief description of each process of operation which may result in employee exposure to AN;

(iii) The number of employees engaged in each process or operation who may be exposed to AN and an estimate of the frequency and degree of exposure that occurs; and

(iv) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to AN. Whenever there has been a significant change in the information required by this subsection, the employer shall promptly amend such information previously provided to the director.

(b) Emergencies and remedial action. Emergencies, and the facts obtainable at that time, shall be reported within 24 hours of the initial occurrence to the director. Upon request of the director, the employer shall submit additional information in writing relevant to the nature and extent of employee exposures and measures taken to prevent future emergencies of a similar nature.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to AN over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that which would occur if the employee were not using a respirator.

(b) Initial monitoring. Each employer who has a place of employment in which AN is present shall monitor each such workplace and work operation to accurately determine the airborne concentrations of AN to which employees may be exposed. Such monitoring may be done on a representative basis, provided that the employer can demonstrate that the determinations are representative of employee exposures.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposure to be below the action level, the employer may discontinue monitoring for that employee. The employer shall continue these quarterly measurements until at least two consecutive measurements taken at least seven days apart, are below the action level, and thereafter the employer may discontinue monitoring for that employee.

(ii) If the monitoring required by this section reveals employee exposure to be at or above the action level but below the permissible exposure limits, the employer shall repeat such monitoring for each such employee at least quarterly.

(iii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly measurements until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limits, and thereafter the employer shall monitor at least quarterly.

(d) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to AN, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to AN, additional monitoring which complies with this subsection shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limits, the employer shall include in the written notice a statement

that the permissible exposure limits were exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement of employee exposures shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of AN at or above the permissible exposure limits, and plus or minus 35 percent for concentrations of AN between the action level and the permissible exposure limits.

(g) Weekly survey of operations involving liquid AN. In addition to monitoring of employee exposures to AN as otherwise required by this subsection, the employer shall survey areas of operations involving liquid AN at least weekly to detect points where AN liquid or vapor are being released into the workplace. The survey shall employ an infra-red gas analyzer calibrated for AN, a multipoint gas chromatographic monitor, or comparable system for detection of AN. A listing of levels detected and areas of AN release, as determined from the survey, shall be posted prominently in the workplace, and shall remain posted until the next survey is completed.

(6) Regulated areas.

(a) The employer shall establish regulated areas where AN concentrations are in excess of the permissible exposure limits.

(b) Regulated areas shall be demarcated and segregated from the rest of the workplace, in any manner that minimizes the number of persons who will be exposed to AN.

(c) Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the act or regulations issued pursuant thereto.

(d) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, (except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsections (13)(a)-(13)(c) of this section.

(7) Methods of compliance.

(a) Engineering and work practice controls.

(i) The employer shall institute engineering or work practice controls to reduce and maintain employee exposures to AN, to or below the permissible exposure limits, except to the extent that the employer establishes that such controls are not feasible.

(ii) Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limits, the employer shall nonetheless use them to reduce exposures to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (8) of this section.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposures to or below the permissible exposure limits solely by means of engineering and work practice controls, as required by subsection (7)(a) of this section.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation or process resulting in employee exposure to AN above the permissible exposure limits;

(B) Engineering plans and other studies used to determine the controls for each process;

(C) A report of the technology considered in meeting the permissible exposure limits;

(D) A detailed schedule for the implementation of engineering or work practice controls; and

(E) Other relevant information.

(iii) The employer shall complete the steps set forth in the compliance program by the dates in the schedule.

(iv) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, or any affected employee or representative.

(v) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Work operations, such as maintenance and repair activities or reactor cleaning, for which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limits;

(iv) In emergencies.

(b) Respirator program.

The employer must implement a respiratory protection program in accordance with chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use			Respirator Type
(a)	Less than or equal to 25 x permissible exposure limits.	(i)	Any Type C supplied air respirator.
(b)	Less than or equal to 100 x permissible exposure limits.	(i)	Any supplied air respirator with full facepiece; or
		(ii)	Any self-contained breathing apparatus with full facepiece.
(c)	Less than or equal to 250 x permissible exposure limits	(i)	Supplied air respirator in positive pressure mode with full facepiece, helmet, hood, or suit.

TABLE I

RESPIRATORY PROTECTION FOR ACRYLONITRILE (AN)

Concentration of AN or Condition of Use			Respirator Type
(d)	Greater than 250 x permissible exposure limits.	(i)	Supplied air respirator with full facepiece and an auxiliary self-contained air supply, operated in pressure demand mode; or
		(ii)	Open circuit self-contained breathing apparatus with full facepiece in positive pressure mode.
(e)	Emergency entry into unknown concentration or firefighting	(i)	Any self-contained breathing apparatus with full facepiece in positive pressure mode.
(f)	Escape.	(i)	Any organic vapor gas mask; or
		(ii)	Any self-contained breathing.

(9) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace where AN is present. Appropriate portions of the plan shall be implemented in the event of an emergency.

(ii) The plan shall specifically provide that employees engaged in correcting emergency conditions shall be equipped as required in subsection (8) of this section until the emergency is abated.

(b) Alerting employees.

(i) Where there is the possibility of employee exposure to AN in excess of the ceiling limit due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(ii) Employees not engaged in correcting the emergency shall be evacuated from the area and shall not be permitted to return until the emergency is abated.

(10) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid AN or PAN may occur, the employer shall provide at no cost to the employee, and assure that employees wear, appropriate protective clothing or other equipment in accordance with WAC 296-800-160 to protect any area of the body which may come in contact with liquid AN or PAN.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection, as needed to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least weekly to each affected employee.

(ii) The employer shall assure that impermeable protective clothing which contacts or is likely to have contacted liquid AN shall be decontaminated before being removed by the employee.

(iii) The employer shall assure that AN- or PAN-contaminated protective clothing and equipment is placed and stored in closable containers which prevent dispersion of the AN or PAN outside the container.

(iv) The employer shall assure that an employee whose nonimpermeable clothing becomes wetted with liquid AN shall immediately remove that clothing and proceed to shower. The clothing shall be decontaminated before it is removed from the regulated area.

(v) The employer shall assure that no employee removes AN- or PAN-contaminated protective equipment or clothing from the change room, except for those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(vi) The employer shall inform any person who launders or cleans AN- or PAN-contaminated protective clothing or equipment of the potentially harmful effects of exposure to AN.

(vii) The employer shall assure that containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c)(ii) of this section, and that such labels remain affixed when such containers leave the employer's workplace.

(11) Housekeeping.

(a) All surfaces shall be maintained free of accumulations of liquid AN and of PAN.

(b) For operations involving liquid AN, the employer shall institute a program for detecting leaks and spills of liquid AN, including regular visual inspections.

(c) Where spills of liquid AN are detected, the employer shall assure that surfaces contacted by the liquid AN are decontaminated. Employees not engaged in decontamination activities shall leave the area of the spill, and shall not be permitted in the area until decontamination is completed.

(d) Liquids. Where AN is present in a liquid form, or as a resultant vapor, all containers or vessels containing AN shall be enclosed to the maximum extent feasible and tightly covered when not in use, with adequate provision made to avoid any resulting potential explosion hazard.

(e) Surfaces.

(i) Dry sweeping and the use of compressed air for the cleaning of floors and other surfaces where AN and PAN are found is prohibited.

(ii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that AN is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect AN may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c)(ii) of this section.

(iii) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(12) Waste disposal. AN and PAN waste, scrap, debris, bags, containers or equipment, shall be disposed of in sealed bags or other closed containers which prevent dispersion of

AN outside the container, and labeled as prescribed in subsection (16)(c)(ii) of this section.

(13) Hygiene facilities and practices. Where employees are exposed to airborne concentrations of AN above the permissible exposure limits, or where employees are required to wear protective clothing or equipment pursuant to subsection (11) of this section, or where otherwise found to be appropriate, the facilities required by WAC 296-800-230 shall be provided by the employer for the use of those employees, and the employer shall assure that the employees use the facilities provided. In addition, the following facilities or requirements are mandated.

(a) Change rooms. The employer shall provide clean change rooms in accordance with WAC 296-800-230.

(b) Showers.

(i) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(ii) In addition, the employer shall also assure that employees exposed to liquid AN and PAN shower at the end of the work shift.

(iii) The employer shall assure that, in the event of skin or eye exposure to liquid AN, the affected employee shall shower immediately to minimize the danger of skin absorption.

(c) Lunchrooms.

(i) Whenever food or beverages are consumed in the workplace, the employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees exposed to AN above the permissible exposure limits.

(ii) In addition, the employer shall also assure that employees exposed to AN above the permissible exposure limits wash their hands and face prior to eating.

(14) Medical surveillance.

(a) General.

(i) The employer shall institute a program of medical surveillance for each employee who is or will be exposed to AN above the action level. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Initial examinations. At the time of initial assignment, or upon institution of the medical surveillance program, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and medical history with special attention to skin, respiratory, and gastrointestinal systems, and those nonspecific symptoms, such as headache, nausea, vomiting, dizziness, weakness, or other central nervous system dysfunctions that may be associated with acute or chronic exposure to AN.

(ii) A physical examination giving particular attention to central nervous system, gastrointestinal system, respiratory system, skin and thyroid.

(iii) A 14" x 17" posteroanterior chest X ray.

(iv) Further tests of the intestinal tract, including fecal occult blood screening, and proctosigmoidoscopy, for all workers 40 years of age or older, and for any other affected employees for whom, in the opinion of the physician, such testing is appropriate.

(c) Periodic examinations.

(i) The employer shall provide examinations specified in this subsection at least annually for all employees specified in subsection (14)(a) of this section.

(ii) If an employee has not had the examinations prescribed in subsection (14)(b) of this section within six months of termination of employment, the employer shall make such examination available to the employee upon such termination.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to AN, the employer shall provide appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level;

(iv) The employee's anticipated or estimated exposure level (for preplacement examinations or in cases of exposure due to an emergency);

(v) A description of any personal protective equipment used or to be used; and

(vi) Information from previous medical examinations of the affected employee, which is not otherwise available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and test performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of the employee's health from exposure to AN;

(C) Any recommended limitations upon the employee's exposure to AN or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to AN.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees where there is occupational exposure to AN and shall assure their participation in the training program.

(ii) The training program shall be provided at the time of initial assignment, or upon institution of the training program, and at least annually thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of AN and the specific nature of operations which could result in exposure to AN, as well as any necessary protective steps;

(C) The purpose, proper use, and limitations of respirators and protective clothing;

(D) The purpose and a description of the medical surveillance program required by subsection (14) of this section;

(E) The emergency procedures developed, as required by subsection (9) of this section; and

(F) The engineering and work practice controls, their function and the employee's relationship thereto; and

(G) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label, required by this subsection, which contradicts or detracts from such effects of the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all workplaces where AN concentrations exceed the permissible exposure limits. The signs shall bear the following legend:

DANGER
ACRYLONITRILE (AN)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
RESPIRATORS REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of AN, and to containers of PAN and products fabricated from PAN, except for those materials for which objective data is provided as to the conditions specified in subsection (1)(b) of this section. The employer shall assure that the labels remain affixed when the AN or PAN are sold, distributed or otherwise leave the employer's workplace.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER
CONTAINS ACRYLONITRILE (AN)
CANCER HAZARD

(17) Recordkeeping.

(a) Objective data for exempted operations.

(i) Where the processing, use, and handling of products fabricated from PAN are exempted pursuant to subsection (1)(b) of this section, the employer shall establish and maintain an accurate record of objective data reasonably relied upon in support of the exemption.

(ii) This record shall include the following information:

(A) The relevant condition in subsection (1)(b) upon which exemption is based;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and/or analysis of the material for the release of AN;

(D) A description of the operation exempted and how the data supports the exemption; and

(E) Other data relevant to the operations, materials, and processing covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used and the data relied upon to establish that the methods used meet the accuracy and precision requirements of subsection (5)(f) of this section;

(C) Type of respiratory protective devices worn, if any; and

(D) Name, Social Security number and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.

(c) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) A copy of the physicians' written opinions;

(B) Any employee medical complaints related to exposure to AN;

(C) A copy of the information provided to the physician as required by subsection (14)(f) of this section; and

(D) A copy of the employee's medical and work history.

(iii) The employer shall assure that this record be maintained for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(d) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Records required by subdivisions (a) through (c) of this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Records required by subdivision (a) of this section shall be provided in the same manner as exposure monitoring records.

(iii) The employer shall assure that employee medical records required to be maintained by this section, be made available, upon request, for examination and copying, to the affected employee or former employee, or to a physician designated by the affected employee, former employee, or designated representative.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained pursuant to this section, the employer shall transmit these records to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to AN conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to AN requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with personal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled:

(A) To receive an explanation of the measurement procedures;

(B) To observe all steps related to the measurement of airborne concentrations of AN performed at the place of exposure; and

(C) To record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligation not otherwise imposed, or to detract from any obligation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-07336, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07336, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07336, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 88-11-021 (Order 88-04), § 296-62-07336, filed 5/11/88.]

WAC 296-62-07342 1,2-Dibromo-3-chloropropane. (1) Scope and application.

(a) This section applies to occupational exposure to 1,2-dibromo-3-chloropropane (DBCP).

(b) This section does not apply to:

(i) Exposure to DBCP which results solely from the application and use of DBCP as a pesticide; or

(ii) The storage, transportation, distribution or sale of DBCP in intact containers sealed in such a manner as to prevent exposure to DBCP vapors or liquids, except for the requirements of subsections (11), (16) and (17) of this section.

(2) Definitions applicable to this section:

(a) "Authorized person" - any person specifically authorized by the employer and whose duties require the person to be present in areas where DBCP is present; and any person entering this area as a designated representative of employees exercising an opportunity to observe employee exposure monitoring.

(b) "DBCP" - 1,2-dibromo-3-chloropropane, Chemical Abstracts Service Registry Number 96-12-8, and includes all forms of DBCP.

(c) "Director" - the director of labor and industries, or his authorized representative.

(d) "Emergency" - any occurrence such as, but not limited to equipment failure, rupture of containers, or failure of control equipment which may, or does, result in unexpected release of DBCP.

(3) Permissible exposure limits.

(a) Inhalation.

(i) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration in excess of 1 part DBCP per billion part of air (ppb) as an eight-hour time-weighted average.

(ii) Ceiling limit. The employer shall assure that no employee is exposed to an airborne concentration in excess of 5 parts DBCP per billion parts of air (ppb) as averaged over any 15 minutes during the working day.

(b) Dermal and eye exposure. The employer shall assure that no employee is exposed to eye or skin contact with DBCP.

(4) Notification of use. Within ten days of the effective date of this section or within ten days following the introduction of DBCP into the workplace, every employer who has a workplace where DBCP is present shall report the following information to the director for each such workplace:

(a) The address and location of each workplace in which DBCP is present;

(b) A brief description of each process or operation which may result in employee exposure to DBCP;

(c) The number of employees engaged in each process or operation who may be exposed to DBCP and an estimate of the frequency and degree of exposure that occurs;

(d) A brief description of the employer's safety and health program as it relates to limitation of employee exposure to DBCP.

(5) Regulated areas. The employer shall establish, within each place of employment, regulated areas wherever DBCP concentrations are in excess of the permissible exposure limit.

(a) The employer shall limit access to regulated areas to authorized persons.

(b) All employees entering or working in a regulated area shall wear respiratory protection in accordance with Table I.

(6) Exposure monitoring.

(a) General. Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to DBCP over an eight-hour period. (For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.)

(b) Initial. Each employer who has a place of employment in which DBCP is present shall monitor each workplace and work operation to accurately determine the airborne concentrations of DBCP to which employees may be exposed.

(c) Frequency.

(i) If the monitoring required by this section reveals employee exposures to be below the permissible exposure limits, the employer shall repeat these determinations at least quarterly.

(ii) If the monitoring required by this section reveals employee exposure to be in excess of the permissible exposure limits, the employer shall repeat these determinations for each such employee at least monthly. The employer shall continue these monthly determinations until at least two consecutive measurements, taken at least seven days apart, are below the permissible exposure limit, thereafter the employer shall monitor at least quarterly.

(d) Additional. Whenever there has been a production process, control or personnel change which may result in any new or additional exposure to DBCP, or whenever the employer has any other reason to suspect a change which may result in new or additional exposure to DBCP, additional monitoring which complies with subsection (6) shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of results which represent the employee's exposure.

(ii) Whenever the results indicate that employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action being taken to reduce exposure to or below the permissible exposure limits.

(f) Accuracy of measurement. The method of measurement shall be accurate, to a confidence level of 95 percent, to within plus or minus 25 percent for concentrations of DBCP at or above the permissible exposure limits.

(7) Methods of compliance.

(a) Priority of compliance methods. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to DBCP at or below the permissible exposure limit, except to the extent that the employer establishes that such controls are not feasible. Where feasible engineering and work practice controls are not sufficient to reduce employee exposures to within the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls, and shall supplement them by use of respiratory protection.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce employee exposure to DBCP to or below the permissible exposure limit solely by means of engineering and work practice controls as required by this section.

(ii) The written program shall include a detailed schedule for development and implementation of the engineering and work practice controls. These plans shall be revised at least every six months to reflect the current status of the program.

(iii) Written plans for these compliance programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, and any affected employee or designated representative of employees.

(iv) The employer shall institute and maintain at least the controls described in his most recent written compliance program.

(8) Respiratory protection.

(a) General. For employees who are required to use respirators under this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement feasible engineering and work-practice controls;

(ii) Maintenance and repair activities for which engineering and work-practice controls are not feasible;

(iii) Work operations for which feasible engineering and work-practice controls are not yet sufficient to reduce employee exposure to or below the permissible exposure limit;

(iv) Emergencies.

(b) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(c) Respirator selection. The employer must select the appropriate respirator from Table I of this subsection.

TABLE I

RESPIRATORY PROTECTION FOR DBCP

Concentration Not Greater Than		Respirator Type
(a) 10 ppb:	(i)	Any supplied-air respirator.
	(ii)	Any self-contained breathing apparatus.
(b) 50 ppb:	(i)	Any supplied-air respirator with full facepiece, helmet or hood.
	(ii)	Any self-contained breathing apparatus with full facepiece.
(c) 250 ppb:	(i)	A Type C supplied-air respirator operated in pressure-demand or other positive pressure or continuous flow mode.
(d) 500 ppb:	(i)	A Type C supplied-air respirator with full facepiece operated in pressure-demand mode with full facepiece.

Concentration Not Greater Than		Respirator Type
(e) Greater than 500 ppb or entry into unknown concentrations:	(i)	A combination respirator which includes a Type C supplied-air respirator with full facepiece operated in pressure-demand mode and an auxiliary self-contained breathing apparatus.
	(ii)	A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.
(f) Fire fighting:	(i)	A self-contained breathing apparatus with full facepiece operated in pressure-demand mode.

(9) Reserved.

(10) Emergency situations.

(a) Written plans.

(i) A written plan for emergency situations shall be developed for each workplace in which DBCP is present.

(ii) Appropriate portions of the plan shall be implemented in the event of an emergency.

(b) Employees engaged in correcting conditions shall be equipped as required in subsection (11) of this section until the emergency is abated.

(c) Evacuation. Employees not engaged in correcting the emergency shall be removed and restricted from the area and normal operations in the affected area shall not be resumed until the emergency is abated.

(d) Alerting employees. Where there is a possibility of employee exposure to DBCP due to the occurrence of an emergency, a general alarm shall be installed and maintained to promptly alert employees of such occurrences.

(e) Medical surveillance. For any employee exposed to DBCP in an emergency situation, the employer shall provide medical surveillance in accordance with subsection (14) of this section.

(f) Exposure monitoring.

(i) Following an emergency, the employer shall conduct monitoring which complies with subsection (6) of this section.

(ii) In workplaces not normally subject to periodic monitoring, the employer may terminate monitoring when two consecutive measurements indicate exposures below the permissible exposure limit.

(11) Protective clothing and equipment.

(a) Provision and use. Where eye or skin contact with liquid or solid DBCP may occur, employers shall provide at no cost to the employee, and assure that employees wear impermeable protective clothing and equipment in accordance with WAC 296-800-160 to protect the area of the body which may come in contact with DBCP.

(b) Cleaning and replacement.

(i) The employer shall clean, launder, maintain, or replace protective clothing and equipment required by this subsection to maintain their effectiveness. In addition, the employer shall provide clean protective clothing and equipment at least daily to each affected employee.

(ii) Removal and storage.

(A) The employer shall assure that employees remove DBCP contaminated work clothing only in change rooms provided in accordance with subsection (13) of this section.

(B) The employer shall assure that employees promptly remove any protective clothing and equipment which becomes contaminated with DBCP-containing liquids and solids. This clothing shall not be reworn until the DBCP has been removed from the clothing or equipment.

(C) The employer shall assure that no employee takes DBCP contaminated protective devices and work clothing out of the change room, except those employees authorized to do so for the purpose of laundering, maintenance, or disposal.

(iii) The employer shall assure that DBCP-contaminated protective work clothing and equipment is placed and stored in closed containers which prevent dispersion of DBCP outside the container.

(iv) The employer shall inform any person who launders or cleans DBCP-contaminated protective clothing or equipment of the potentially harmful effects of exposure to DBCP.

(v) The employer shall assure that the containers of contaminated protective clothing and equipment which are to be removed from the workplace for any reason are labeled in accordance with subsection (16)(c) of this section.

(vi) The employer shall prohibit the removal of DBCP from protective clothing and equipment by blowing or shaking.

(12) Housekeeping.

(a) Surfaces.

(i) All surfaces shall be maintained free of accumulations of DBCP.

(ii) Dry sweeping and the use of air for the cleaning of floors and other surfaces where DBCP dust or liquids are found is prohibited.

(iii) Where vacuuming methods are selected, either portable units or a permanent system may be used.

(A) If a portable unit is selected, the exhaust shall be attached to the general workplace exhaust ventilation system or collected within the vacuum unit, equipped with high efficiency filters or other appropriate means of contaminant removal, so that DBCP is not reintroduced into the workplace air; and

(B) Portable vacuum units used to collect DBCP may not be used for other cleaning purposes and shall be labeled as prescribed by subsection (16)(c) of this section.

(iv) Cleaning of floors and other contaminated surfaces may not be performed by washing down with a hose, unless a fine spray has first been laid down.

(b) Liquids. Where DBCP is present in a liquid form, or as a resultant vapor, all containers or vessels containing DBCP shall be enclosed to the maximum extent feasible and tightly covered when not in use.

(c) Waste disposal. DBCP waste, scrap, debris, bags, containers or equipment, shall be disposed in sealed bags or other closed containers which prevent dispersion of DBCP outside the container.

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear

protective clothing and equipment in accordance with subsections (8), (9) and (11) of this section.

(b) Showers.

(i) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(ii) The employer shall assure that employees whose skin becomes contaminated with DBCP-containing liquids or solids immediately wash or shower to remove any DBCP from the skin.

(iii) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(c) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(d) Lavatories.

(i) The employer shall assure that employees working in the regulated area remove protective clothing and wash their hands and face prior to eating.

(ii) The employer shall provide a sufficient number of lavatory facilities which comply with WAC 296-800-230.

(e) Prohibition of activities in regulated areas. The employer shall assure that, in regulated areas, food or beverages are not present or consumed, smoking products and implements are not present or used, and cosmetics are not present or applied.

(14) Medical surveillance.

(a) General. The employer shall institute a program of medical surveillance for each employee who is or will be exposed, without regard to the use of respirators, to DBCP. The employer shall provide each such employee with an opportunity for medical examinations and tests in accordance with this subsection. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee.

(b) Frequency and content. At the time of initial assignment, annually thereafter, and whenever exposure to DBCP occurs, the employer shall provide a medical examination for employees who work in regulated areas, which includes at least the following:

(i) A complete medical and occupational history with emphasis on reproductive history.

(ii) A complete physical examination with emphasis on the genito-urinary tract, testicle size, and body habitus including the following tests:

(A) Sperm count;

(B) Complete urinalysis (U/A);

(C) Complete blood count; and

(D) Thyroid profile.

(iii) A serum specimen shall be obtained and the following determinations made by radioimmunoassay techniques utilizing National Institutes of Health (NIH) specific antigen or one of equivalent sensitivity:

(A) Serum multiphasic analysis (SMA 12);

(B) Serum follicle stimulating hormone (FSH);

(C) Serum luteinizing hormone (LH); and

(D) Serum estrogen (females).

(iv) Any other tests deemed appropriate by the examining physician.

(c) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to DBCP, the employer shall provide the employee with a medical examination which shall include those elements considered appropriate by the examining physician.

(d) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The level of DBCP to which the employee is exposed; and

(iv) A description of any personal protective equipment used or to be used.

(e) Physician's written opinion.

(i) For each examination under this section, the employer shall obtain and provide the employee with a written opinion from the examining physician which shall include:

(A) The results of the medical tests performed;

(B) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at an increased risk of material impairment of health from exposure to DBCP;

(C) Any recommended limitations upon the employee's exposure to DBCP or upon the use of protective clothing and equipment such as respirators; and

(D) A statement that the employee was informed by the physician of the results of the medical examination, and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure to DBCP.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(f) Emergency situations. If the employee is exposed to DBCP in an emergency situation, the employer shall provide the employee with a sperm count test as soon as practicable, or, if the employee is unable to produce a semen specimen, the hormone tests contained in subsection (14)(b) of this section. The employer shall provide these same tests three months later.

(15) Employee information and training.

(a) Training program.

(i) Within thirty days of the effective date of this standard, the employer shall institute a training program for all employees who may be exposed to DBCP and shall assure their participation in such training program.

(ii) The employer shall assure that each employee is informed of the following:

(A) The information contained in Appendices A, B and C;

(B) The quantity, location, manner of use, release or storage of DBCP and the specific nature of operations which could result in exposure to DBCP as well as any necessary protective steps;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) The purpose and description of the medical surveillance program required by subsection (14) of this section; and

(E) A review of this standard.

(b) Access to training materials.

(i) The employer shall make a copy of this standard and its appendices readily available to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the required sign or label.

(b) Signs.

(i) The employer shall post signs to clearly indicate all work areas where DBCP may be present. These signs shall bear the legend:

DANGER

1,2-Dibromo-3-chloropropane

(Insert appropriate trade or common names)

CANCER HAZARD

AUTHORIZED PERSONNEL ONLY

(ii) Where airborne concentrations of DBCP exceed the permissible exposure limits, the signs shall bear the additional legend:

RESPIRATOR REQUIRED

(c) Labels.

(i) The employer shall assure that precautionary labels are affixed to all containers of DBCP and of products containing DBCP, and that the labels remain affixed when the DBCP or products containing DBCP are sold, distributed, or otherwise leave the employer's workplace. Where DBCP or products containing DBCP are sold, distributed or otherwise leave the employer's workplace bearing appropriate labels required by EPA under the regulations in 40 CFR Part 162, the labels required by this subsection need not be affixed.

(ii) The employer shall assure that the precautionary labels required by this subsection are readily visible and legible. The labels shall bear the following legend:

DANGER

1,2-Dibromo-3-chloropropane

CANCER HAZARD

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (6) of this section.

(ii) This record shall include:

(A) The dates, number, duration and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure;

(B) A description of the sampling and analytical methods used;

(C) Type of respiratory worn, if any; and

(D) Name, Social Security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (14) of this section.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the physician's written opinion;

(C) Any employee medical complaints related to exposure to DBCP;

(D) A copy of the information provided the physician as required by subsection (14)(c) of this section; and

(E) A copy of the employee's medical and work history.

(iii) The employer shall maintain this record for at least forty years or the duration of employment plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records and employee medical records required by this subsection shall be provided upon request to employees' designated representatives and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209; and 296-62-05213 through 296-62-05217.

(d) Transfer of records.

(i) If the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section for the prescribed period.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall transmit these records by mail to the director.

(iii) At the expiration of the retention period for the records required to be maintained under this section, the employer shall transmit these records by mail to the director.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe any monitoring of employee exposure to DBCP conducted under subsection (6) of this section.

(b) Observation procedures.

(i) Whenever observation of the measuring or monitoring of employee exposure to DBCP requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer with per-

sonal protective clothing or equipment required to be worn by employees working in the area, assure the use of such clothing and equipment, and require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring or measurement, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the measurement of airborne concentrations of DBCP performed at the place of exposure; and

(C) Record the results obtained.

(19) Appendices. The information contained in the appendices is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-62-07342, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07342, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07342, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 96-09-030, § 296-62-07342, filed 4/10/96, effective 6/1/96; 88-11-021 (Order 88-04), § 296-62-07342, filed 5/11/88.]

WAC 296-62-07347 Inorganic arsenic. (1) Scope and application. This section applies to all occupational exposures to inorganic arsenic except that this section does not apply to employee exposures in agriculture or resulting from pesticide application, the treatment of wood with preservatives or the utilization of arsenically preserved wood.

(2) Definitions.

(a) "Action level" - a concentration of inorganic arsenic of 5 micrograms per cubic meter of air (5 $\mu g/m^3$) averaged over any eight-hour period.

(b) "Authorized person" - any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section.

(c) "Director" - the director of the department of labor and industries, or his/her designated representative.

(d) "Inorganic arsenic" - copper aceto-arsenite and all inorganic compounds containing arsenic except arsine, measured as arsenic (As).

(3) Permissible exposure limit. The employer shall assure that no employee is exposed to inorganic arsenic at concentrations greater than 10 micrograms per cubic meter of air (10 $\mu g/m^3$), averaged over any eight-hour period.

(4) Notification of use.

(a) Within sixty days after the introduction of inorganic arsenic into the workplace, every employer who is required to establish a regulated area in his/her workplaces shall report in writing to the department of labor and industries for each such workplace:

(i) The address of each such workplace;

(ii) The approximate number of employees who will be working in regulated areas; and

(iii) A brief summary of the operations creating the exposure and the actions which the employer intends to take to reduce exposures.

(b) Whenever there has been a significant change in the information required by subsection (4)(a) of this section, the employer shall report the changes in writing within sixty days to the department of labor and industries.

(5) Exposure monitoring.

(a) General.

(i) Determinations of airborne exposure levels shall be made from air samples that are representative of each employee's exposure to inorganic arsenic over an eight-hour period.

(ii) For the purposes of this section, employee exposure is that exposure which would occur if the employee were not using a respirator.

(iii) The employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(b) Initial monitoring. Each employer who has a workplace or work operation covered by this standard shall monitor each such workplace and work operation to accurately determine the airborne concentration of inorganic arsenic to which employees may be exposed.

(c) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subsection (5)(d) of this section.

(ii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the permissible exposure limit, the employer shall repeat monitoring at least quarterly.

(iii) If the initial monitoring, required by this section, or subsequent monitoring reveals employee exposure to be above the action level and below the permissible exposure limit the employee shall repeat monitoring at least every six months.

(iv) The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee until such time as any of the events in subsection (5)(d) of this section occur.

(d) Additional monitoring. Whenever there has been a production, process, control or personal change which may result in new or additional exposure to inorganic arsenic, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to inorganic arsenic, additional monitoring which complies with subsection (5) of this section shall be conducted.

(e) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposures.

(ii) Whenever the results indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken to reduce exposure to or below the permissible exposure limit.

(f) Accuracy of measurement.

(i) The employer shall use a method of monitoring and measurement which has an accuracy (with a confidence level of 95 percent) of not less than plus or minus 25 percent for concentrations of inorganic arsenic greater than or equal to 10 $\mu g/m^3$.

(ii) The employer shall use a method of monitoring and measurement which has an accuracy (with confidence level of 95 percent) of not less than plus or minus 35 percent for concentrations of inorganic arsenic greater than 5 $\mu g/m^3$ but less than 10 $\mu g/m^3$.

(6) Regulated area.

(a) Establishment. The employer shall establish regulated areas where worker exposures to inorganic arsenic, without regard to the use of respirators, are in excess of the permissible limit.

(b) Demarcation. Regulated areas shall be demarcated and segregated from the rest of the workplace in any manner that minimizes the number of persons who will be exposed to inorganic arsenic.

(c) Access. Access to regulated areas shall be limited to authorized persons or to persons otherwise authorized by the Act or regulations issued pursuant thereto to enter such areas.

(d) Provision of respirators. All persons entering a regulated area shall be supplied with a respirator, selected in accordance with subsection (8)(c) of this section.

(e) Prohibited activities. The employer shall assure that in regulated areas, food or beverages are not consumed, smoking products, chewing tobacco and gum are not used and cosmetics are not applied, except that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (12) of this section. Drinking water may be consumed in the regulated area.

(7) Methods of compliance.

(a) Controls.

(i) The employer shall institute engineering and work practice controls to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(ii) Where engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit, they shall nonetheless be used to reduce exposures to the lowest levels achievable by these controls and shall be supplemented by the use of respirators in accordance with subsection (8) of this section and other necessary personal protective equipment. Employee rotation is not required as a control strategy before respiratory protection is instituted.

(b) Compliance program.

(i) The employer shall establish and implement a written program to reduce exposures to or below the permissible exposure limit by means of engineering and work practice controls.

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which inorganic arsenic is emitted; e.g., machinery used, material processed, controls in place, crew size, operating procedures and maintenance practices;

(B) Engineering plans and studies used to determine methods selected for controlling exposure to inorganic arsenic;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Monitoring data;

(E) A detailed schedule for implementation of the engineering controls and work practices that cannot be implemented immediately and for the adaption and implementation of any additional engineering and work practices necessary to meet the permissible exposure limit;

(F) Whenever the employer will not achieve the permissible exposure limit with engineering controls and work practices, the employer shall include in the compliance plan an analysis of the effectiveness of the various controls, shall install engineering controls and institute work practices on the quickest schedule feasible, and shall include in the compliance plan and implement a program to minimize the discomfort and maximize the effectiveness of respirator use; and

(G) Other relevant information.

(iii) Written plans for such a program shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) The plans required by this subsection shall be revised and updated at least every six months to reflect the current status of the program.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement feasible engineering or work-practice controls;

(ii) Work operations, such as maintenance and repair activities, in which the employer establishes that engineering and work-practice controls are not feasible;

(iii) Work operations for which engineering work-practice controls are not yet sufficient to reduce employee exposures to or below the permissible exposure limit;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must establish, implement, and maintain a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(ii) If an employee exhibits breathing difficulty during fit testing or respirator use, they must be examined by a physician trained in pulmonary medicine to determine whether they can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must use Table I of this section to select the appropriate respirator or combination of respirators for inorganic arsenic compounds without significant vapor pressure, and Table II of this section to select the appropriate respirator or combination of respirators for inorganic arsenic compounds that have significant vapor pressure.

(ii) Where employee exposures exceed the permissible exposure limit for inorganic arsenic and also exceed the relevant limit for other gases (for example, sulfur dioxide), any air-purifying respirator provided to the employee as specified

by this section must have a combination high-efficiency filter with an appropriate gas sorbent. (See footnote in Table I)

(iii) Employees required to use respirators may choose, and the employer must provide, a powered air-purifying respirator if it will provide proper protection. In addition, the employer must provide a combination dust and acid-gas respirator to employees who are exposed to gases over the relevant exposure limits.

TABLE I

RESPIRATORY PROTECTION FOR INORGANIC ARSENIC PARTICULATE EXCEPT FOR THOSE WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 μg/m³ (20 mg/m³) fire fighting.	(A) Any full facepiece self-contained or breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 μg/m³ (20 mg/m³)	(A) Supplied air respirator with full facepiece, hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 μg/m³ (10 mg/m³)	(A) Powered air-purifying respirators in all inlet face coverings with high-efficiency filters.[1] (B) Half-mask supplied air respirators operated in positive pressure mode.
(iv) Not greater than 500 μg/m³	(A) Full facepiece air-purifying respirator equipped with high-efficiency filter.[1] (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 μg/m³	(A) Half-mask air-purifying respirator equipped with high-efficiency filter.[1] (B) Any half-mask supplied air respirator.

[1]High-efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

TABLE II

RESPIRATORY PROTECTION FOR INORGANIC ARSENICALS (SUCH AS ARSENIC TRICHLORIDE[2] AND ARSENIC PHOSPHIDE) WITH SIGNIFICANT VAPOR PRESSURE

Concentration of Inorganic Arsenic (as As) or Condition of Use	Required Respirator
(i) Unknown or greater or lesser than 20,000 μg/m³(20 mg/m³) or fire fighting.	(A) Any full facepiece contained breathing apparatus operated in positive pressure mode.
(ii) Not greater than 20,000 μg/m³(20 mg/m³)	(A) Supplied air respirator with full facepiece hood, or helmet or suit and operated in positive pressure mode.
(iii) Not greater than 10,000 μg/m³(10 mg/m³)	(A) Half-mask[2] supplied air respirator operated in positive pressure mode.
(iv) Not greater than 500 μg/m³	(A) Front or back mounted gas mask equipped with high-efficiency filter[1] and acid gas canister. (B) Any full facepiece supplied air respirator. (C) Any full facepiece self-contained breathing apparatus.
(v) Not greater than 100 μg/m³	(A) Half-mask[2] air-purifying respirator equipped with high-efficiency filter[1] and acid gas cartridge. (B) Any half-mask supplied air respirator.

[1]High efficiency filter-99.97 pct efficiency against 0.3 micrometer monodisperse diethyl-hexyl phthalate (DOP) particles.

[2]Half-mask respirators shall not be used for protection against arsenic trichloride, as it is rapidly absorbed through the skin.

(9) **Reserved.**

(10) Protective work clothing and equipment.

(a) Provision and use. Where the possibility of skin or eye irritation from inorganic arsenic exists, and for all workers working in regulated areas, the employer shall provide at no cost to the employee and assure that employees use appropriate and clean protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, and shoes or coverlets;

(iii) Face shields or vented goggles when necessary to prevent eye irritation, which comply with the requirements of WAC 296-800-160.

(iv) Impervious clothing for employees subject to exposure to arsenic trichloride.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subsection (10)(a) of this section in a freshly laundered and dry condition at least weekly, and daily if the employee works in areas where exposures are over 100 μg/m^3 of inorganic arsenic or in areas where more frequent washing is needed to prevent skin irritation.

(ii) The employer shall clean, launder, or dispose of protective clothing required by subsection (10)(a) of this section.

(iii) The employer shall repair or replace the protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms prescribed in subsection (13)(a) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of inorganic arsenic outside the container.

(vi) The employer shall inform in writing any person who cleans or launders clothing required by this section, of the potentially harmful affects including the carcinogenic effects of exposure to inorganic arsenic.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment in the workplace or which are to be removed from the workplace are labeled as follows:

Caution: Clothing contaminated with inorganic arsenic; do not remove dust by blowing or shaking. Dispose of inorganic arsenic contaminated wash water in accordance with applicable local, state, or federal regulations.

(viii) The employer shall prohibit the removal of inorganic arsenic from protective clothing or equipment by blowing or shaking.

(11) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of inorganic arsenic.

(b) Cleaning floors. Floors and other accessible surfaces contaminated with inorganic arsenic may not be cleaned by the use of compressed air, and shoveling and brushing may be used only where vacuuming or other relevant methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner to minimize the reentry of inorganic arsenic into the workplace.

(d) Housekeeping plan. A written housekeeping and maintenance plan shall be kept which shall list appropriate frequencies for carrying out housekeeping operations, and for cleaning and maintaining dust collection equipment. The plan shall be available for inspection by the director.

(e) Maintenance of equipment. Periodic cleaning of dust collection and ventilation equipment and checks of their effectiveness shall be carried out to maintain the effectiveness of the system and a notation kept of the last check of effectiveness and cleaning or maintenance.

(12) **Reserved.**

(13) Hygiene facilities and practices.

(a) Change rooms. The employer shall provide for employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic, clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment in accordance with WAC 296-800-230.

(b) Showers.

(i) The employer shall assure that employees working in regulated areas or subject to the possibility of skin or eye irritation from inorganic arsenic shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(c) Lunchrooms.

(i) The employer shall provide for employees working in regulated areas, lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in regulated areas.

(ii) The employer shall assure that employees working in the regulated area or subject to the possibility of skin or eye irritation from exposure to inorganic arsenic wash their hands and face prior to eating.

(d) Lavatories. The employer shall provide lavatory facilities which comply with WAC 296-800-230.

(e) Vacuuming clothes. The employer shall provide facilities for employees working in areas where exposure, without regard to the use of respirators, exceeds 100 μg/m^3 to vacuum their protective clothing and clean or change shoes worn in such areas before entering change rooms, lunchrooms or shower rooms required by subsection (10) of this section and shall assure that such employees use such facilities.

(f) Avoidance of skin irritation. The employer shall assure that no employee is exposed to skin or eye contact with arsenic trichloride, or to skin or eye contact with liquid or particulate inorganic arsenic which is likely to cause skin or eye irritation.

(14) Medical surveillance.

(a) General.

(i) Employees covered. The employer shall institute a medical surveillance program for the following employees:

(A) All employees who are or will be exposed above the action level, without regard to the use of respirators, at least thirty days per year; and

(B) All employees who have been exposed above the action level, without regard to respirator use, for thirty days or more per year for a total of ten years or more of combined employment with the employer or predecessor employers prior to or after the effective date of this standard. The determination of exposures prior to the effective date of this standard shall be based upon prior exposure records, comparison with the first measurements taken after the effective date of this standard, or comparison with records of exposures in areas with similar processes, extent of engineering controls utilized and materials used by that employer.

(ii) Examination by physician. The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician, and shall be provided without cost to the employee, without loss of pay and at a reasonable time and place.

(b) Initial examinations. For employees initially covered by the medical provisions of this section, or thereafter at the time of initial assignment to an area where the employee is likely to be exposed over the action level at least thirty days per year, the employer shall provide each affected employee an opportunity for a medical examination, including at least the following elements:

(i) A work history and a medical history which shall include a smoking history and the presence and degree of respiratory symptoms such as breathlessness, cough, sputum production and wheezing.

(ii) A medical examination which shall include at least the following:

(A) A 14" by 17" posterior-anterior chest X ray and International Labor Office UICC/Cincinnati (ILO U/C) rating;

(B) A nasal and skin examination; and

(C) Other examinations which the physician believes appropriate because of the employees exposure to inorganic arsenic or because of required respirator use.

(c) Periodic examinations.

(i) The employer shall provide the examinations specified in subsection (14)(b)(i) and (ii)(A), (B) and (C) of this section at least annually for covered employees who are under forty-five years of age with fewer than ten years of exposure over the action level without regard to respirator use.

(ii) The employer shall provide the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section at least semi-annually, and the X-ray requirements specified in subsection (14)(b)(ii)(A) of this section at least annually, for other covered employees.

(iii) Whenever a covered employee has not taken the examinations specified in subsection (14)(b)(i) and (ii)(B) and (C) of this section within six months preceding the termination of employment, the employer shall provide such examinations to the employee upon termination of employment.

(d) Additional examinations. If the employee for any reason develops signs or symptoms commonly associated with exposure to inorganic arsenic the employer shall provide an appropriate examination and emergency medical treatment.

(e) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's representative exposure level or anticipated exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous medical examinations of the affected employee which is not readily available to the examining physician.

(f) Physician's written opinion.

(i) The employer shall obtain a written opinion from the examining physician which shall include:

(A) The results of the medical examination and tests performed;

(B) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from exposure to inorganic arsenic;

(C) Any recommended limitations upon the employee's exposure to inorganic arsenic or upon the use of protective clothing or equipment such as respirators; and

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(ii) The employer shall instruct the physician not to reveal in the written opinion specific findings or diagnoses unrelated to occupational exposure.

(iii) The employer shall provide a copy of the written opinion to the affected employee.

(15) Employee information and training.

(a) Training program.

(i) The employer shall institute a training program for all employees who are subject to exposure to inorganic arsenic above the action level without regard to respirator use, or for whom there is the possibility of skin or eye irritation from inorganic arsenic. The employer shall assure that those employees participate in the training program.

(ii) The training program shall be provided for employees covered by this provision, at the time of initial assignment for those subsequently covered by this provision, and shall be repeated at least quarterly for employees who have optional use of respirators and at least annually for other covered employees thereafter, and the employer shall assure that each employee is informed of the following:

(A) The information contained in Appendix A;

(B) The quantity, location, manner of use, storage, sources of exposure, and the specific nature of operations which could result in exposure to inorganic arsenic as well as any necessary protective steps;

(C) The purpose, proper use, and limitation of respirators;

(D) The purpose and a description of medical surveillance program as required by subsection (14) of this section;

(E) The engineering controls and work practices associated with the employee's job assignment; and

(F) A review of this standard.

(b) Access to training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(16) Signs and labels.

(a) General.

(i) The employer may use labels or signs required by other statutes, regulations, or ordinances in addition to, or in combination with, signs and labels required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign or label required by this subsection which contradicts or detracts from the meaning of the required sign or label.

(b) Signs.

(i) The employer shall post signs demarcating regulated areas bearing the legend:

DANGER
INORGANIC ARSENIC
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
NO SMOKING OR EATING
RESPIRATOR REQUIRED

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(c) Labels. The employer shall apply precautionary labels to all shipping and storage containers of inorganic arsenic, and to all products containing inorganic arsenic except when the inorganic arsenic in the product is bound in such a manner so as to make unlikely the possibility of airborne exposure to inorganic arsenic. (Possible examples of products not requiring labels are semiconductors, light emitting diodes and glass.) The label shall bear the following legend:

DANGER
CONTAINS INORGANIC ARSENIC
CANCER HAZARD
HARMFUL IF INHALED OR SWALLOWED
USE ONLY WITH ADEQUATE
VENTILATION
OR RESPIRATORY PROTECTION

(17) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required by subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration location, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The purpose, proper use, limitations, and other training requirements covering respiratory protection as required in chapter 296-62 WAC, Part E;

(D) Name, Social Security number, and job classification of the employees monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of the employee's exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (14) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to inorganic arsenic.

(iii) The employer shall in addition keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (14) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information;

(C) The initial X ray;

(D) The X rays for the most recent five years; and

(E) Any X rays with a demonstrated abnormality and all subsequent X rays.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment, plus twenty years, whichever is longer.

(c) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (17) of this section to the director for examination and copying.

(ii) Records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) The employer shall make available upon request an employee's medical records and exposure records representative of that employee's exposure required to be maintained by subsection (17) of this section to the affected employee or former employee or to a physician designated by the affected employee or former employee.

(d) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if he requests them within that period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(18) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to inorganic arsenic conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to inorganic arsenic requires entry into an area where the use of respirators, protective clothing, or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing, and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to;

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of inorganic arsenic performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(19) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-07347, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07347, filed 5/9/01, effective 9/1/01; 99-17-094, § 296-62-07347, filed 8/17/99, effective 12/1/99; 99-10-071, § 296-62-07347, filed 5/4/99, effective 9/1/99; 98-02-030, § 296-62-07347, filed 12/31/97, effective 1/31/98. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-62-07347, filed 7/20/94, effective 9/20/94. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-62-07347, filed 8/27/81; 81-16-015 (Order 81-20), § 296-62-07347, filed 7/27/81; 79-08-115 (Order 79-9), § 296-62-07347, filed 7/31/79; 79-02-037 (Order 79-1), § 296-62-07347, filed 1/23/79.]

WAC 296-62-07419 Hygiene areas and practices. (1) General. For employees whose airborne exposure to cadmium is above the PEL, the employer shall provide clean change rooms, handwashing facilities, showers, and lunchroom facilities that comply with WAC 296-800-230.

(2) Change rooms. The employer shall assure that change rooms are equipped with separate storage facilities for street clothes and for protective clothing and equipment, which are designed to prevent dispersion of cadmium and contamination of the employee's street clothes.

(3) Showers and handwashing facilities.

(a) The employer shall assure that employees who are exposed to cadmium above the PEL shower during the end of the work shift.

(b) The employer shall assure that employees whose airborne exposure to cadmium is above the PEL wash their hands and faces prior to eating, drinking, smoking, chewing tobacco or gum, or applying cosmetics.

(4) Lunchroom facilities.

(a) The employer shall assure that the lunchroom facilities are readily accessible to employees, that tables for eating are maintained free of cadmium, and that no employee in a lunchroom facility is exposed at any time to cadmium at or above a concentration of 2.5 $\mu g/m^3$.

(b) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface cadmium has been removed from the clothing and equipment by HEPA vacuuming or some other method that removes cadmium dust without dispersing it.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-07419, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07419, filed 5/9/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. 93-07-044 (Order 93-01), § 296-62-07419, filed 3/13/93, effective 4/27/93.]

WAC 296-62-07460 Butadiene. (1) Scope and application.

(a) This section applies to all occupational exposures to 1,3-Butadiene (BD), Chemical Abstracts Service Registry No. 106-99-0, except as provided in (b) of this subsection.

(b)(i) Except for the recordkeeping provisions in subsection (13)(a) of this section, this section does not apply to the processing, use, or handling of products containing BD or to other work operations and streams in which BD is present where objective data are reasonably relied upon that demonstrate the work operation or the product or the group of products or operations to which it belongs may not reasonably be foreseen to release BD in airborne concentrations at or above the action level or in excess of the STEL under the expected conditions of processing, use, or handling that will cause the greatest possible release or in any plausible accident.

(ii) This section also does not apply to work operations, products or streams where the only exposure to BD is from liquid mixtures containing 0.1% or less of BD by volume or the vapors released from such liquids, unless objective data become available that show that airborne concentrations generated by such mixtures can exceed the action level or STEL under reasonably predictable conditions of processing, use or handling that will cause the greatest possible release.

(iii) Except for labeling requirements and requirements for emergency response, this section does not apply to the storage, transportation, distribution or sale of BD or liquid mixtures in intact containers or in transportation pipelines sealed in such a manner as to fully contain BD vapors or liquids.

(c) Where products or processes containing BD are exempted under (b) of this subsection, the employer shall maintain records of the objective data supporting that exemption and the basis for the employer's reliance on the data, as provided in subsection (13)(a) of this section.

(2) Definitions: For the purpose of this section, the following definitions shall apply:

"Action level" means a concentration of airborne BD of 0.5 ppm calculated as an 8-hour time-weighted average.

"Director" means the director of the department of labor and industries, or authorized representatives.

"Authorized person" means any person specifically designated by the employer, whose duties require entrance into a regulated area, or a person entering such an area as a designated representative of employees to exercise the right to observe monitoring and measuring procedures under subsection (4)(h) of this section, or a person designated under the WISH Act or regulations issued under the WISH Act to enter a regulated area.

"1,3-Butadiene" means an organic compound with chemical formula CH(2)=CH-CH=CH(2) that has a molecular weight of approximately 54.15 gm/mole.

"Business day" means any Monday through Friday, except those days designated as federal, state, local or company specific holidays.

"Complete blood count (CBC)" means laboratory tests performed on whole blood specimens and includes the following: White blood cell count (WBC), hematocrit (Hct), red blood cell count (RBC), hemoglobin (Hgb), differential count of white blood cells, red blood cell morphology, red blood cell indices, and platelet count.

"Day" means any part of a calendar day.

"Emergency situation" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of BD.

"Employee exposure" means exposure of a worker to airborne concentrations of BD which would occur if the employee were not using respiratory protective equipment.

"Objective data" means monitoring data, or mathematical modelling or calculations based on composition, chemical and physical properties of a material, stream or product.

"Permissible exposure limits (PELs)" means either the 8-hour time-weighted average (8-hour TWA) exposure or the short-term exposure limit (STEL).

"Physician or other licensed health care professional" is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently provide or be delegated the responsibility to provide one or more of the specific health care services required by (k) of this subsection.

"Regulated area" means any area where airborne concentrations of BD exceed or can reasonably be expected to exceed the 8-hour time-weighted average (8-hour TWA) exposure of 1 ppm or the short-term exposure limit (STEL) of 5 ppm for 15 minutes.

"This section" means this 1,3-butadiene standard.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average (TWA) limit. The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of one part BD per million parts of air (ppm) measured as an eight (8)-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall ensure that no employee is exposed to an airborne concentration of BD in excess of five parts of BD per million parts of air (5 ppm) as determined over a sampling period of fifteen minutes.

(4) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of the 8-hour TWA and 15-minute short-term exposures of each employee.

(ii) Representative 8-hour TWA employee exposure shall be determined on the basis of one or more samples representing full-shift exposure for each shift and for each job classification in each work area.

(iii) Representative 15-minute short-term employee exposures shall be determined on the basis of one or more samples representing 15-minute exposures associated with operations that are most likely to produce exposures above the STEL for each shift and for each job classification in each work area.

(iv) Except for the initial monitoring required under (b) of this subsection, where the employer can document that exposure levels are equivalent for similar operations on different work shifts, the employer need only determine representative employee exposure for that operation from the shift during which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a workplace or work operation covered by this section, shall perform initial monitoring to determine accurately the airborne concentrations of BD to which employees may be exposed, or shall rely on objective data pursuant to subsection (1)(b)(i) of this section to fulfill this requirement.

(ii) Where the employer has monitored within two years prior to the effective date of this section and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection, provided that the conditions under which the initial monitoring was conducted have not changed in a manner that may result in new or additional exposures.

(c) Periodic monitoring and its frequency.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be at or above the action level but at or below both the 8-hour TWA limit and the STEL, the employer shall repeat the representative monitoring required by (a) of this subsection every twelve months.

(ii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the 8-hour TWA limit, the employer shall repeat the representative monitoring required by (a)(ii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iii) If the initial monitoring required by (b) of this subsection reveals employee exposure to be above the STEL, the employer shall repeat the representative monitoring required by (a)(iii) of this subsection at least every three months until the employer has collected two samples per quarter (each at least 7 days apart) within a two-year period, after which such monitoring must occur at least every six months.

(iv) The employer may alter the monitoring schedule from every six months to annually for any required representative monitoring for which two consecutive measurements taken at least 7 days apart indicate that employee exposure has decreased to or below the 8-hour TWA, but is at or above the action level.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b) of this subsection reveals employee exposure to be below the action level and at or below the STEL, the employer may discontinue the monitoring for employees whose exposures are represented by the initial monitoring.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least 7 days apart, are below the action level and at or below the STEL,

the employer may discontinue the monitoring for those employees who are represented by such monitoring.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under subsection (4) of this section whenever there has been a change in the production, process, control equipment, personnel or work practices that may result in new or additional exposures to BD or when the employer has any reason to suspect that a change may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures or other breakdowns occur that may lead to employee exposure above the 8-hour TWA limit or above the STEL, the employer shall monitor (using leak source, such as direct reading instruments, area or personal monitoring), after the cleanup of the spill or repair of the leak, rupture or other breakdown, to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring.

Monitoring shall be accurate, at a confidence level of 95 percent, to within plus or minus 25 percent for airborne concentrations of BD at or above the 1 ppm TWA limit and to within plus or minus 35 percent for airborne concentrations of BD at or above the action level of 0.5 ppm and below the 1 ppm TWA limit.

(g) Employee notification of monitoring results.

(i) The employer shall, within 5 business days after the receipt of the results of any monitoring performed under this section, notify the affected employees of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) The employer shall, within 15 business days after receipt of any monitoring performed under this section indicating the 8-hour TWA or STEL has been exceeded, provide the affected employees, in writing, with information on the corrective action being taken by the employer to reduce employee exposure to or below the 8-hour TWA or STEL and the schedule for completion of this action.

(h) Observation of monitoring.

(i) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to BD conducted in accordance with this section.

(ii) Observation procedures. When observation of the monitoring of employee exposure to BD requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the observer at no cost with protective clothing and equipment, and shall ensure that the observer uses this equipment and complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish a regulated area wherever occupational exposures to airborne concentrations of BD exceed or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour TWA or the STEL.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be demarcated from the rest of the workplace in any manner that minimizes the number of employees exposed to BD within the regulated area.

(d) An employer at a multiemployer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite whose employees may have access to these areas.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to or below the PELs, except to the extent that the employer can establish that these controls are not feasible or where subsection (8)(a)(i) of this section applies.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-hour TWA or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (8) of this section.

(b) Compliance plan.

(i) Where any exposures are over the PELs, the employer shall establish and implement a written plan to reduce employee exposure to or below the PELs primarily by means of engineering and work practice controls, as required by (a) of this subsection, and by the use of respiratory protection where required or permitted under this section. No compliance plan is required if all exposures are under the PELs.

(ii) The written compliance plan shall include a schedule for the development and implementation of the engineering controls and work practice controls including periodic leak detection surveys.

(iii) Copies of the compliance plan required in (b) of this subsection shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives. Such plans shall be reviewed at least every 12 months, and shall be updated as necessary to reflect significant changes in the status of the employer's compliance program.

(iv) The employer shall not implement a schedule of employee rotation as a means of compliance with the PELs.

(7) Exposure goal program.

(a) For those operations and job classifications where employee exposures are greater than the action level, in addition to compliance with the PELs, the employer shall have an exposure goal program that is intended to limit employee exposures to below the action level during normal operations.

(b) Written plans for the exposure goal program shall be furnished upon request for examination and copying to the director, affected employees and designated employee representatives.

(c) Such plans shall be updated as necessary to reflect significant changes in the status of the exposure goal program.

(d) Respirator use is not required in the exposure goal program.

(e) The exposure goal program shall include the following items unless the employer can demonstrate that the item is not feasible, will have no significant effect in reducing employee exposures, or is not necessary to achieve exposures below the action level:

(i) A leak prevention, detection, and repair program.

(ii) A program for maintaining the effectiveness of local exhaust ventilation systems.

(iii) The use of pump exposure control technology such as, but not limited to, mechanical double-sealed or seal-less pumps.

(iv) Gauging devices designed to limit employee exposure, such as magnetic gauges on rail cars.

(v) Unloading devices designed to limit employee exposure, such as a vapor return system.

(vi) A program to maintain BD concentration below the action level in control rooms by use of engineering controls.

(8) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Periods necessary to install or implement feasible engineering and work-practice controls;

(ii) Nonroutine work operations that are performed infrequently and for which exposures are limited in duration;

(iii) Work operations for which feasible engineering controls and work-practice controls are not yet sufficient to reduce employee exposures to or below the PELs;

(iv) Emergencies.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1), 296-62-07131 (4)(b)(i) and (ii), and 296-62-07150 through 296-62-07156).

(ii) If air-purifying respirators are used, the employer must replace the air-purifying filter elements according to the replacement schedule set for the class of respirators listed in Table 1 of this section, and at the beginning of each work shift.

(iii) Instead of using the replacement schedule listed in Table 1 of this section, the employer may replace cartridges or canisters at 90% of their expiration service life, provided the employer:

(A) Demonstrates that employees will be adequately protected by this procedure;

(B) Uses BD breakthrough data for this purpose that have been derived from tests conducted under worst-case conditions of humidity, temperature, and air-flow rate through the filter element, and the employer also describes the data supporting the cartridge- or canister-change schedule, as well as the basis for using the data in the employer's respirator program.

(iv) A label must be attached to each filter element to indicate the date and time it is first installed on the respirator.

(v) If NIOSH approves an end-of-service-life indicator (ESLI) for an air-purifying filter element, the element may be used until the ESLI shows no further useful service life or until the element is replaced at the beginning of the next work shift, whichever occurs first.

(vi) Regardless of the air-purifying element used, if an employee detects the odor of BD, the employer must replace the air-purifying element immediately.

(c) Respirator selection.

(i) The employer must select appropriate respirators from Table 1 of this section.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Less than or equal to 5 ppm (5 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 4 hours.
Less than or equal to 10 ppm (10 times PEL)	(a) Air-purifying half mask or full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 3 hours.
Less than or equal to 25 ppm (25 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 2 hours. (b) Any powered air-purifying respirator equipped with approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 2 hours. (c) Continuous flow supplied air respirator equipped with a hood or helmet.
Less than or equal to 50 ppm (50 times PEL)	(a) Air-purifying full facepiece respirator equipped with approved BD or organic vapor cartridges or canisters. Cartridges or canisters shall be replaced every 1 hour. (b) Powered air purifying respirator equipped with a tight-fitting facepiece and an approved BD or organic vapor cartridges. PAPR cartridges shall be replaced every 1 hour.
Less than or equal to 1,000 ppm (1,000 times PEL)	(a) Supplied air respirator equipped with a half mask or full facepiece and operated in a pressure demand or other positive pressure mode.

Table 1. - Minimum Requirements for Respiratory Protection for Airborne BD

Concentration of Airborne BD (ppm) or condition of use	Minimum required respirator
Greater than 1,000 ppm	(a) Self-contained breathing unknown concentration, or apparatus equipped with a fire fighting full facepiece and operated in a pressure demand or other positive pressure mode. (b) Any supplied air respirator equipped with a full facepiece and operated in a pressure demand or other positive pressure mode in combination with an auxiliary self-contained breathing apparatus operated in a pressure demand or other positive pressure mode.
Escape from IDLH Conditions	(a) Any positive pressure self-contained breathing apparatus with an appropriate service life. (b) Any air-purifying full facepiece respirator equipped with a front or back mounted BD or organic vapor canister.

Notes: Respirators approved for use in higher concentrations are permitted to be used in lower concentrations. Full facepiece is required when eye irritation is anticipated.

(ii) Air-purifying respirators must have filter elements certified by NIOSH for organic vapor or BD.

(iii) When an employee whose job requires the use of a respirator cannot use a negative-pressure respirator, the employer must provide the employee with a respirator that has less breathing resistance than the negative-pressure respirator, such as a powered air-purifying respirator or supplied-air respirator, when the employee is able to use it and if it provides the employee adequate protection.

(9) Protective clothing and equipment. Where appropriate to prevent eye contact and limit dermal exposure to BD, the employer shall provide protective clothing and equipment at no cost to the employee and shall ensure its use. Eye and face protection shall meet the requirements of WAC 296-800-160.

(10) Emergency situations. Written plan. A written plan for emergency situations shall be developed, or an existing plan shall be modified, to contain the applicable elements specified in WAC 296-24-567, Employee emergency plans and fire prevention plans, and in WAC 296-62-3112, hazardous waste operations and emergency responses, for each workplace where there is a possibility of an emergency.

(11) Medical screening and surveillance.

(a) Employees covered. The employer shall institute a medical screening and surveillance program as specified in this subsection for:

(i) Each employee with exposure to BD at concentrations at or above the action level on 30 or more days or for employees who have or may have exposure to BD at or above the PELs on 10 or more days a year;

(ii) Employers (including successor owners) shall continue to provide medical screening and surveillance for employees, even after transfer to a non-BD exposed job and regardless of when the employee is transferred, whose work histories suggest exposure to BD:

(A) At or above the PELs on 30 or more days a year for 10 or more years;

(B) At or above the action level on 60 or more days a year for 10 or more years; or

(C) Above 10 ppm on 30 or more days in any past year; and

(iii) Each employee exposed to BD following an emergency situation.

(b) Program administration.

(i) The employer shall ensure that the health questionnaire, physical examination and medical procedures are provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(ii) Physical examinations, health questionnaires, and medical procedures shall be performed or administered by a physician or other licensed health care professional.

(iii) Laboratory tests shall be conducted by an accredited laboratory.

(c) Frequency of medical screening activities. The employer shall make medical screening available on the following schedule:

(i) For each employee covered under (a)(i) and (ii) of this subsection, a health questionnaire and complete blood count (CBC) with differential and platelet count every year, and a physical examination as specified below:

(A) An initial physical examination that meets the requirements of this rule, if twelve months or more have elapsed since the last physical examination conducted as part of a medical screening program for BD exposure;

(B) Before assumption of duties by the employee in a job with BD exposure;

(C) Every 3 years after the initial physical examination;

(D) At the discretion of the physician or other licensed health care professional reviewing the annual health questionnaire and CBC;

(E) At the time of employee reassignment to an area where exposure to BD is below the action level, if the employee's past exposure history does not meet the criteria of (a)(ii) of this subsection for continued coverage in the screening and surveillance program, and if twelve months or more have elapsed since the last physical examination; and

(F) At termination of employment if twelve months or more have elapsed since the last physical examination.

(ii) Following an emergency situation, medical screening shall be conducted as quickly as possible, but not later than 48 hours after the exposure.

(iii) For each employee who must wear a respirator, physical ability to perform the work and use the respirator must be determined as required by WAC 296-62-071.

(d) Content of medical screening.

(i) Medical screening for employees covered by (a)(i) and (ii) of this subsection shall include:

(A) A baseline health questionnaire that includes a comprehensive occupational and health history and is updated annually. Particular emphasis shall be placed on the hematopoietic and reticuloendothelial systems, including exposure to chemicals, in addition to BD, that may have an adverse effect on these systems, the presence of signs and symptoms that might be related to disorders of these systems, and any other information determined by the examining physician or other licensed health care professional to be necessary to evaluate whether the employee is at increased risk of material impairment of health from BD exposure. Health questionnaires shall consist of the sample forms in Appendix C to this section, or be equivalent to those samples;

(B) A complete physical examination, with special emphasis on the liver, spleen, lymph nodes, and skin;

(C) A CBC; and

(D) Any other test which the examining physician or other licensed health care professional deems necessary to evaluate whether the employee may be at increased risk from exposure to BD.

(ii) Medical screening for employees exposed to BD in an emergency situation shall focus on the acute effects of BD exposure and at a minimum include: A CBC within 48 hours of the exposure and then monthly for three months; and a physical examination if the employee reports irritation of the eyes, nose, throat, lungs, or skin, blurred vision, coughing, drowsiness, nausea, or headache. Continued employee participation in the medical screening and surveillance program, beyond these minimum requirements, shall be at the discretion of the physician or other licensed health care professional.

(e) Additional medical evaluations and referrals.

(i) Where the results of medical screening indicate abnormalities of the hematopoietic or reticuloendothelial systems, for which a nonoccupational cause is not readily apparent, the examining physician or other licensed health care professional shall refer the employee to an appropriate specialist for further evaluation and shall make available to the specialist the results of the medical screening.

(ii) The specialist to whom the employee is referred under this subsection shall determine the appropriate content for the medical evaluation, e.g., examinations, diagnostic tests and procedures, etc.

(f) Information provided to the physician or other licensed health care professional. The employer shall provide the following information to the examining physician or other licensed health care professional involved in the evaluation:

(i) A copy of this section including its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's BD exposure;

(iii) The employee's actual or representative BD exposure level during employment tenure, including exposure incurred in an emergency situation;

(iv) A description of pertinent personal protective equipment used or to be used; and

(v) Information, when available, from previous employment-related medical evaluations of the affected employee which is not otherwise available to the physician or other licensed health care professional or the specialist.

(g) The written medical opinion.

(i) For each medical evaluation required by this section, the employer shall ensure that the physician or other licensed health care professional produces a written opinion and provides a copy to the employer and the employee within 15 business days of the evaluation. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical evaluation;

(B) A medical opinion concerning whether the employee has any detected medical conditions which would place the employee's health at increased risk of material impairment from exposure to BD;

(C) Any recommended limitations upon the employee's exposure to BD; and

(D) A statement that the employee has been informed of the results of the medical evaluation and any medical conditions resulting from BD exposure that require further explanation or treatment.

(ii) The written medical opinion provided to the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work with BD.

Note: This provision does not negate the ethical obligation of the physician or other licensed health care professional to transmit any other adverse findings directly to the employee.

(h) Medical surveillance.

(i) The employer shall ensure that information obtained from the medical screening program activities is aggregated (with all personal identifiers removed) and periodically reviewed, to ascertain whether the health of the employee population of that employer is adversely affected by exposure to BD.

(ii) Information learned from medical surveillance activities must be disseminated to covered employees, as defined in (a) of this subsection, in a manner that ensures the confidentiality of individual medical information.

(12) Communication of BD hazards to employees.

(a) Hazard communication. The employer shall communicate the hazards associated with BD exposure in accordance with the requirements of the chemical hazard communication standard, WAC 296-800-170.

(b) Employee information and training.

(i) The employer shall provide all employees exposed to BD with information and training in accordance with the requirements of the chemical hazard communication standard, WAC 296-800-170.

(ii) The employer shall institute a training program for all employees who are potentially exposed to BD at or above the action level or the STEL, ensure employee participation in the program and maintain a record of the contents of such program.

(iii) Training shall be provided prior to or at the time of initial assignment to a job potentially involving exposure to BD at or above the action level or STEL and at least annually thereafter.

(iv) The training program shall be conducted in a manner that the employee is able to understand. The employer shall ensure that each employee exposed to BD over the action level or STEL is informed of the following:

(A) The health hazards associated with BD exposure, and the purpose and a description of the medical screening and surveillance program required by this section;

(B) The quantity, location, manner of use, release, and storage of BD and the specific operations that could result in exposure to BD, especially exposures above the PEL or STEL;

(C) The engineering controls and work practices associated with the employee's job assignment, and emergency procedures and personal protective equipment;

(D) The measures employees can take to protect themselves from exposure to BD;

(E) The contents of this standard and its appendices; and

(F) The right of each employee exposed to BD at or above the action level or STEL to obtain:

(I) Medical examinations as required by subsection (10) of this section at no cost to the employee;

(II) The employee's medical records required to be maintained by subsection (13)(c) of this section; and

(III) All air monitoring results representing the employee's exposure to BD and required to be kept by subsection (13)(b) of this section.

(c) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees and their designated representatives and shall provide a copy if requested.

(ii) The employer shall provide to the director, or the designated employee representatives, upon request, all materials relating to the employee information and the training program.

(13) Recordkeeping.

(a) Objective data for exemption from initial monitoring.

(i) Where the processing, use, or handling of products or streams made from or containing BD are exempted from other requirements of this section under subsection (1)(b) of this section, or where objective data have been relied on in lieu of initial monitoring under subsection (4)(b)(ii) of this section, the employer shall establish and maintain a record of the objective data reasonably relied upon in support of the exemption.

(ii) This record shall include at least the following information:

(A) The product or activity qualifying for exemption;

(B) The source of the objective data;

(C) The testing protocol, results of testing, and analysis of the material for the release of BD;

(D) A description of the operation exempted and how the data support the exemption; and

(E) Other data relevant to the operations, materials, processing, or employee exposures covered by the exemption.

(iii) The employer shall maintain this record for the duration of the employer's reliance upon such objective data.

(b) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to BD as prescribed in subsection (4) of this section.

(ii) The record shall include at least the following information:

(A) The date of measurement;

(B) The operation involving exposure to BD which is being monitored;

(C) Sampling and analytical methods used and evidence of their accuracy;

(D) Number, duration, and results of samples taken;

(E) Type of protective devices worn, if any;

(F) Name, Social Security number and exposure of the employees whose exposures are represented; and

(G) The written corrective action and the schedule for completion of this action required by subsection (4)(g)(ii) of this section.

(iii) The employer shall maintain this record for at least 30 years in accordance with WAC 296-62-052.

(c) Medical screening and surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical screening and surveillance under this section.

(ii) The record shall include at least the following information:

(A) The name and Social Security number of the employee;

(B) Physician's or other licensed health care professional's written opinions as described in subsection (11)(e) of this section;

(C) A copy of the information provided to the physician or other licensed health care professional as required by subsection (11)(e) of this section.

(iii) Medical screening and surveillance records shall be maintained for each employee for the duration of employment plus 30 years, in accordance with WAC 296-62-052.

(d) Availability.

(i) The employer, upon written request, shall make all records required to be maintained by this section available for examination and copying to the director.

(ii) Access to records required to be maintained by (a) and (b) of this subsection shall be granted in accordance with WAC 296-62-05209.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the employer shall transfer records required by this section to the successor employer. The successor employer shall receive and maintain these records. If there is no successor employer, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if requested by the director within that period.

(ii) The employer shall transfer medical and exposure records as set forth in WAC 296-62-05215.

(14) Dates.

(a) Effective date. This section shall become effective (day, month), 1997.

(b) Start-up dates.

(i) The initial monitoring required under subsection (4)(b) of this section shall be completed immediately or within sixty days of the introduction of BD into the workplace.

(ii) The requirements of subsections (3) through (13) of this section, including feasible work practice controls but not including engineering controls specified in subsection (6)(a) of this section, shall be complied with immediately.

(iii) Engineering controls specified by subsection (6)(a) of this section shall be implemented by February 4, 1999, and

the exposure goal program specified in subsection (7) of this section shall be implemented by February 4, 2000.

(15) Appendices.

Appendices A, B, C, D, and F to this section are informational and are not intended to create any additional obligations not otherwise imposed or to detract from any existing obligations.

Appendix A. Substance Safety Data Sheet For 1,3-Butadiene (Nonmandatory)

(1) Substance Identification.

(a) Substance: 1,3-Butadiene (CH(2)=CH-CH=CH(2)).

(b) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bi-vinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50602; CAS-106-99-0.

(c) BD can be found as a gas or liquid.

(d) BD is used in production of styrene-butadiene rubber and polybutadiene rubber for the tire industry. Other uses include copolymer latexes for carpet backing and paper coating, as well as resins and polymers for pipes and automobile and appliance parts. It is also used as an intermediate in the production of such chemicals as fungicides.

(e) Appearance and odor: BD is a colorless, noncorrosive, flammable gas with a mild aromatic odor at standard ambient temperature and pressure.

(f) Permissible exposure: Exposure may not exceed 1 part BD per million parts of air averaged over the 8-hour workday, nor may short-term exposure exceed 5 parts of BD per million parts of air averaged over any 15-minute period in the 8-hour workday.

(2) Health Hazard Data.

(a) BD can affect the body if the gas is inhaled or if the liquid form, which is very cold (cryogenic), comes in contact with the eyes or skin.

(b) Effects of overexposure: Breathing very high levels of BD for a short time can cause central nervous system effects, blurred vision, nausea, fatigue, headache, decreased blood pressure and pulse rate, and unconsciousness. There are no recorded cases of accidental exposures at high levels that have caused death in humans, but this could occur. Breathing lower levels of BD may cause irritation of the eyes, nose, and throat. Skin contact with liquefied BD can cause irritation and frostbite.

(c) Long-term (chronic) exposure: BD has been found to be a potent carcinogen in rodents, inducing neoplastic lesions at multiple target sites in mice and rats. A recent study of BD-exposed workers showed that exposed workers have an increased risk of developing leukemia. The risk of leukemia increases with increased exposure to BD. OSHA has concluded that there is strong evidence that workplace exposure to BD poses an increased risk of death from cancers of the lymphohematopoietic system.

(d) Reporting signs and symptoms: You should inform your supervisor if you develop any of these signs or symptoms and suspect that they are caused by exposure to BD.

(3) Emergency First-Aid Procedures.

In the event of an emergency, follow the emergency plan and procedures designated for your work area. If you have been trained in first-aid procedures, provide the necessary first aid measures. If necessary, call for additional assistance from co-workers and emergency medical personnel.

(a) Eye and Skin Exposures: If there is a potential that liquefied BD can come in contact with eye or skin, face shields and skin protective equipment must be provided and used. If liquefied BD comes in contact with the eye, immediately flush the eyes with large amounts of water, occasionally lifting the lower and the upper lids. Flush repeatedly. Get medical attention immediately. Contact lenses should not be worn when working with this chemical. In the event of skin contact, which can cause frostbite, remove any contaminated clothing and flush the affected area repeatedly with large amounts of tepid water.

(b) Breathing: If a person breathes in large amounts of BD, move the exposed person to fresh air at once. If breathing has stopped, begin cardiopulmonary resuscitation (CPR) if you have been trained in this procedure. Keep the affected person warm and at rest. Get medical attention immediately.

(c) Rescue: Move the affected person from the hazardous exposure. If the exposed person has been overcome, call for help and begin emergency rescue procedures. Use extreme caution so that you do not become a casualty. Understand the plant's emergency rescue procedures and know the locations of rescue equipment before the need arises.

(4) Respirators and Protective Clothing.

(a) Respirators: Good industrial hygiene practices recommend that engineering and work practice controls be used to reduce environmental concentrations to the permissible exposure level. However, there are some exceptions where respirators may be used to control exposure. Respirators may be used when engineering and work practice controls are not technically feasible, when such controls are in the process of being installed, or when these controls fail and need to be supplemented or during brief, nonroutine, intermittent exposure. Respirators may also be used in situations involving nonroutine work operations which are performed infrequently and in which exposures are limited in duration, and in emergency situations. In some instances cartridge respirator use is allowed, but only with strict time constraints. For example, at exposure below 5 ppm BD, a cartridge (or canister) respirator, either full or half face, may be used, but the cartridge must be replaced at least every 4 hours, and it must be replaced every 3 hours when the exposure is between 5 and 10 ppm.

If the use of respirators is necessary, the only respirators permitted are those that have been approved by the National Institute for Occupational Safety and Health (NIOSH). In addition to respirator selection, a complete respiratory protection program must be instituted which includes regular training, maintenance, fit testing, inspection, cleaning, and evaluation of respirators. If you can smell BD while wearing a respirator, proceed immediately to fresh air, and change cartridge (or canister) before re-entering an area where there is BD exposure. If you experience difficulty in breathing while wearing a respirator, tell your supervisor.

(b) Protective Clothing: Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen by contact with liquefied BD (or a vessel containing liquid BD).

Employees should be provided with and required to use splash-proof safety goggles where liquefied BD may contact the eyes.

(5) Precautions for Safe Use, Handling, and Storage.

(a) Fire and Explosion Hazards: BD is a flammable gas and can easily form explosive mixtures in air. It has a lower explosive limit of 2%, and an upper explosive limit of 11.5%. It has an autoignition temperature of 420 deg. C (788 deg. F). Its vapor is heavier than air (vapor density, 1.9) and may travel a considerable distance to a source of ignition and flash back. Usually it contains inhibitors to prevent self-polymerization (which is accompanied by evolution of heat) and to prevent formation of explosive peroxides. At elevated temperatures, such as in fire conditions, polymerization may take place. If the polymerization takes place in a container, there is a possibility of violent rupture of the container.

(b) Hazard: Slightly toxic. Slight respiratory irritant. Direct contact of liquefied BD on skin may cause freeze burns and frostbite.

(c) Storage: Protect against physical damage to BD containers. Outside or detached storage of BD containers is preferred. Inside storage should be in a cool, dry, well-ventilated, noncombustible location, away from all possible sources of ignition. Store cylinders vertically and do not stack. Do not store with oxidizing material.

(d) Usual Shipping Containers: Liquefied BD is contained in steel pressure apparatus.

(e) Electrical Equipment: Electrical installations in Class I hazardous locations, as defined in Article 500 of the National Electrical Code, should be in accordance with Article 501 of the Code. If explosion-proof electrical equipment is necessary, it shall be suitable for use in Group B. Group D equipment may be used if such equipment is isolated in accordance with Section 501-5(a) by sealing all conduit 1/2-inch size or larger. See Venting of Deflagrations (NFPA No. 68, 1994), National Electrical Code (NFPA No. 70, 1996), Static Electricity (NFPA No. 77, 1993), Lightning Protection Systems (NFPA No. 780, 1995), and Fire Hazard Properties of Flammable Liquids, Gases and Volatile Solids (NFPA No. 325, 1994).

(f) Fire Fighting: Stop flow of gas. Use water to keep fire-exposed containers cool. Fire extinguishers and quick drenching facilities must be readily available, and you should know where they are and how to operate them.

(g) Spill and Leak: Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until clean-up has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate area of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(h) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulation of any additional requirements as these may be more restrictive than federal laws and regulation.

(i) You should not keep food, beverages, or smoking materials in areas where there is BD exposure, nor should you eat or drink in such areas.

(j) Ask your supervisor where BD is used in your work area and ask for any additional plant safety and health rules.

(6) Medical Requirements.

Your employer is required to offer you the opportunity to participate in a medical screening and surveillance program if you are exposed to BD at concentrations exceeding the action level (0.5 ppm BD as an 8-hour TWA) on 30 days or more a year, or at or above the 8-hr TWA (1 ppm) or STEL (5 ppm for 15 minutes) on 10 days or more a year. Exposure for any part of a day counts. If you have had exposure to BD in the past, but have been transferred to another job, you may still be eligible to participate in the medical screening and surveillance program.

The WISHA rule specifies the past exposures that would qualify you for participation in the program. These past exposure are work histories that suggest the following:

(a) That you have been exposed at or above the PELs on 30 days a year for 10 or more years;

(b) That you have been exposed at or above the action level on 60 days a year for 10 or more years; or

(c) That you have been exposed above 10 ppm on 30 days in any past year.

Additionally, if you are exposed to BD in an emergency situation, you are eligible for a medical examination within 48 hours. The basic medical screening program includes a health questionnaire, physical examination, and blood test. These medical evaluations must be offered to you at a reasonable time and place, and without cost or loss of pay.

(7) Observation of Monitoring.

Your employer is required to perform measurements that are representative of your exposure to BD and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear, the protective clothing and equipment.

(8) Access to Information.

(a) Each year, your employer is required to inform you of the information contained in this appendix. In addition, your employer must instruct you in the proper work practices for using BD, emergency procedures, and the correct use of protective equipment.

(b) Your employer is required to determine whether you are being exposed to BD. You or your representative has the right to observe employee measurements and to record the results obtained. Your employer is required to inform you of your exposure. If your employer determines that you are being overexposed, he or she is required to inform you of the actions which are being taken to reduce your exposure to

within permissible exposure limits and of the schedule to implement these actions.

(c) Your employer is required to keep records of your exposures and medical examinations. These records must be kept by the employer for at least thirty (30) years.

(d) Your employer is required to release your exposure and medical records to you or your representative upon your request.

Appendix B. Substance Technical Guidelines for 1,3-Butadiene (Nonmandatory)

(1) Physical and Chemical Data.

(a) Substance identification:

(i) Synonyms: 1,3-Butadiene (BD); butadiene; biethylene; bivinyl; divinyl; butadiene-1,3; buta-1,3-diene; erythrene; NCI-C50620; CAS-106-99-0.

(ii) Formula: (CH(2)=CH-CH=CH(2)).

(iii) Molecular weight: 54.1.

(b) Physical data:

(i) Boiling point (760 mm Hg): -4.7 deg. C (23.5 deg. F).

(ii) Specific gravity (water = 1): 0.62 at 20 deg. C (68 deg. F).

(iii) Vapor density (air = 1 at boiling point of BD): 1.87.

(iv) Vapor pressure at 20 deg. C (68 deg. F): 910 mm Hg.

(v) Solubility in water, g/100 g water at 20 deg. C (68 deg. F): 0.05.

(vi) Appearance and odor: Colorless, flammable gas with a mildly aromatic odor. Liquefied BD is a colorless liquid with a mildly aromatic odor.

(2) Fire, Explosion, and Reactivity Hazard Data.

(a) Fire:

(i) Flash point: -76 deg. C (-105 deg. F) for take out; liquefied BD; Not applicable to BD gas.

(ii) Stability: A stabilizer is added to the monomer to inhibit formation of polymer during storage. Forms explosive peroxides in air in absence of inhibitor.

(iii) Flammable limits in air, percent by volume: Lower: 2.0; Upper: 11.5.

(iv) Extinguishing media: Carbon dioxide for small fires, polymer or alcohol foams for large fires.

(v) Special fire fighting procedures: Fight fire from protected location or maximum possible distance. Stop flow of gas before extinguishing fire. Use water spray to keep fire-exposed cylinders cool.

(vi) Unusual fire and explosion hazards: BD vapors are heavier than air and may travel to a source of ignition and flash back. Closed containers may rupture violently when heated.

(vii) For purposes of compliance with the requirements of WAC 296-24-330, BD is classified as a flammable gas. For example, 7,500 ppm, approximately one-fourth of the lower flammable limit, would be considered to pose a potential fire and explosion hazard.

(viii) For purposes of compliance with WAC 296-24-585, BD is classified as a Class B fire hazard.

(ix) For purposes of compliance with WAC 296-24-956 and 296-800-280, locations classified as hazardous due to the presence of BD shall be Class I.

(b) Reactivity:

(i) Conditions contributing to instability: Heat. Peroxides are formed when inhibitor concentration is not maintained at proper level. At elevated temperatures, such as in fire conditions, polymerization may take place.

(ii) Incompatibilities: Contact with strong oxidizing agents may cause fires and explosions. The contacting of crude BD (not BD monomer) with copper and copper alloys may cause formations of explosive copper compounds.

(iii) Hazardous decomposition products: Toxic gases (such as carbon monoxide) may be released in a fire involving BD.

(iv) Special precautions: BD will attack some forms of plastics, rubber, and coatings. BD in storage should be checked for proper inhibitor content, for self-polymerization, and for formation of peroxides when in contact with air and iron. Piping carrying BD may become plugged by formation of rubbery polymer.

(c) Warning Properties:

(i) Odor Threshold: An odor threshold of 0.45 ppm has been reported in The American Industrial Hygiene Association (AIHA) Report, Odor Thresholds for Chemicals with Established Occupational Health Standards. (Ex. 32-28C).

(ii) Eye Irritation Level: Workers exposed to vapors of BD (concentration or purity unspecified) have complained of irritation of eyes, nasal passages, throat, and lungs. Dogs and rabbits exposed experimentally to as much as 6700 ppm for 7 1/2 hours a day for 8 months have developed no histologically demonstrable abnormality of the eyes.

(iii) Evaluation of Warning Properties: Since the mean odor threshold is about half of the 1 ppm PEL, and more than 10-fold below the 5 ppm STEL, most wearers of air purifying respirators should still be able to detect breakthrough before a significant overexposure to BD occurs.

(3) Spill, Leak, and Disposal Procedures.

(a) Persons not wearing protective equipment and clothing should be restricted from areas of spills or leaks until cleanup has been completed. If BD is spilled or leaked, the following steps should be taken:

(i) Eliminate all ignition sources.

(ii) Ventilate areas of spill or leak.

(iii) If in liquid form, for small quantities, allow to evaporate in a safe manner.

(iv) Stop or control the leak if this can be done without risk. If source of leak is a cylinder and the leak cannot be stopped in place, remove the leaking cylinder to a safe place and repair the leak or allow the cylinder to empty.

(b) Disposal: This substance, when discarded or disposed of, is a hazardous waste according to Federal regulations (40 CFR part 261). It is listed by the EPA as hazardous waste number D001 due to its ignitability. The transportation, storage, treatment, and disposal of this waste material must be conducted in compliance with 40 CFR parts 262, 263, 264, 268 and 270. Disposal can occur only in properly permitted facilities. Check state and local regulations for any additional requirements because these may be more restrictive than federal laws and regulations.

(4) Monitoring and Measurement Procedures.

(a) Exposure above the Permissible Exposure Limit (8-hr TWA) or Short-Term Exposure Limit (STEL):

(i) 8-hr TWA exposure evaluation: Measurements taken for the purpose of determining employee exposure under this standard are best taken with consecutive samples covering the full shift. Air samples must be taken in the employee's

breathing zone (air that would most nearly represent that inhaled by the employee).

(ii) STEL exposure evaluation: Measurements must represent 15 minute exposures associated with operations most likely to exceed the STEL in each job and on each shift.

(iii) Monitoring frequencies: Table 1 gives various exposure scenarios and their required monitoring frequencies, as required by the final standard for occupational exposure to butadiene.

Table 1. — Five Exposure Scenarios and Their Associated Monitoring Frequencies

Action Level	8-hr TWA	STEL	Required Monitoring Activity
—*	—	—	No 8-hour TWA or STEL monitoring required.
+*	—	—	No STEL monitoring required. Monitor 8-hr TWA annually.
+	—	—	No STEL monitoring required. Periodic monitoring 8-hour TWA, in accordance with (4)(c)(iii).**
+	+	+	Periodic monitoring 8-hour TWA, in accordance with (4)(c)(iii)**. Periodic monitoring STEL in accordance with (4)(c)(iii).
+	—	+	Periodic monitoring STEL, in accordance with (4)(c)(iii). Monitor 8-hour TWA annually.

Footnote (*) Exposure Scenario, Limit Exceeded: + = Yes, - = No.

Footnote (**) The employer may decrease the frequency of exposure monitoring to annually when at least 2 consecutive measurements taken at least 7 days apart show exposures to be below the 8-hour TWA, but at or above the action level.

(iv) Monitoring techniques: Appendix D describes the validated method of sampling and analysis which has been tested by OSHA for use with BD. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his or her unique field conditions. The standard requires that the method of monitoring must be accurate, to a 95 percent confidence level, to plus or minus 25 percent for concentrations of BD at or above 1 ppm, and to plus or minus 35 percent for concentrations below 1 ppm.

(5) Personal Protective Equipment.

(a) Employees should be provided with and required to use impervious clothing, gloves, face shields (eight-inch minimum), and other appropriate protective clothing necessary to prevent the skin from becoming frozen from contact with liquid BD.

(b) Any clothing which becomes wet with liquid BD should be removed immediately and not reworn until the butadiene has evaporated.

(c) Employees should be provided with and required to use splash proof safety goggles where liquid BD may contact the eyes.

(6) Housekeeping and Hygiene Facilities.

For purposes of complying with WAC 296-800-220 and 296-800-230, the following items should be emphasized:

(a) The workplace should be kept clean, orderly, and in a sanitary condition.

(b) Adequate washing facilities with hot and cold water are to be provided and maintained in a sanitary condition.

(7) Additional Precautions.

(a) Store BD in tightly closed containers in a cool, well-ventilated area and take all necessary precautions to avoid any explosion hazard.

(b) Nonsparking tools must be used to open and close metal containers. These containers must be effectively grounded.

(c) Do not incinerate BD cartridges, tanks or other containers.

(d) Employers must advise employees of all areas and operations where exposure to BD might occur.

Appendix C. Medical Screening and Surveillance for 1,3-Butadiene (Nonmandatory)

(1) Basis for Medical Screening and Surveillance Requirements.

(a) Route of Entry Inhalation.

(b) Toxicology.

Inhalation of BD has been linked to an increased risk of cancer, damage to the reproductive organs, and fetotoxicity. Butadiene can be converted via oxidation to epoxybutene and diepoxybutane, two genotoxic metabolites that may play a role in the expression of BD's toxic effects. BD has been tested for carcinogenicity in mice and rats. Both species responded to BD exposure by developing cancer at multiple primary organ sites. Early deaths in mice were caused by malignant lymphomas, primarily lymphocytic type, originating in the thymus.

Mice exposed to BD have developed ovarian or testicular atrophy. Sperm head morphology tests also revealed abnormal sperm in mice exposed to BD; lethal mutations were found in a dominant lethal test. In light of these results in animals, the possibility that BD may adversely affect the reproductive systems of male and female workers must be considered.

Additionally, anemia has been observed in animals exposed to butadiene. In some cases, this anemia appeared to be a primary response to exposure; in other cases, it may have been secondary to a neoplastic response.

(c) Epidemiology.

Epidemiologic evidence demonstrates that BD exposure poses an increased risk of leukemia. Mild alterations of hematologic parameters have also been observed in synthetic rubber workers exposed to BD.

(2) Potential Adverse Health Effects.

(a) Acute.

Skin contact with liquid BD causes characteristic burns or frostbite. BD in gaseous form can irritate the eyes, nasal

passages, throat, and lungs. Blurred vision, coughing, and drowsiness may also occur. Effects are mild at 2,000 ppm and pronounced at 8,000 ppm for exposures occurring over the full workshift.

At very high concentrations in air, BD is an anesthetic, causing narcosis, respiratory paralysis, unconsciousness, and death. Such concentrations are unlikely, however, except in an extreme emergency because BD poses an explosion hazard at these levels.

(b) Chronic.

The principal adverse health effects of concern are BD-induced lymphoma, leukemia and potential reproductive toxicity. Anemia and other changes in the peripheral blood cells may be indicators of excessive exposure to BD.

(c) Reproductive.

Workers may be concerned about the possibility that their BD exposure may be affecting their ability to procreate a healthy child. For workers with high exposures to BD, especially those who have experienced difficulties in conceiving, miscarriages, or stillbirths, appropriate medical and laboratory evaluation of fertility may be necessary to determine if BD is having any adverse effect on the reproductive system or on the health of the fetus.

(3) Medical Screening Components At-A-Glance.

(a) Health Questionnaire.

The most important goal of the health questionnaire is to elicit information from the worker regarding potential signs or symptoms generally related to leukemia or other blood abnormalities. Therefore, physicians or other licensed health care professionals should be aware of the presenting symptoms and signs of lymphohematopoietic disorders and cancers, as well as the procedures necessary to confirm or exclude such diagnoses. Additionally, the health questionnaire will assist with the identification of workers at greatest risk of developing leukemia or adverse reproductive effects from their exposures to BD.

Workers with a history of reproductive difficulties or a personal or family history of immune deficiency syndromes, blood dyscrasias, lymphoma, or leukemia, and those who are or have been exposed to medicinal drugs or chemicals known to affect the hematopoietic or lymphatic systems may be at higher risk from their exposure to BD. After the initial administration, the health questionnaire must be updated annually.

(b) Complete Blood Count (CBC).

The medical screening and surveillance program requires an annual CBC, with differential and platelet count, to be provided for each employee with BD exposure. This test is to be performed on a blood sample obtained by phlebotomy of the venous system or, if technically feasible, from a fingerstick sample of capillary blood. The sample is to be analyzed by an accredited laboratory.

Abnormalities in a CBC may be due to a number of different etiologies. The concern for workers exposed to BD includes, but is not limited to, timely identification of lymphohematopoietic cancers, such as leukemia and non-Hodgkin's lymphoma. Abnormalities of portions of the CBC are identified by comparing an individual's results to those of an established range of normal values for males and females. A substantial change in any individual employee's CBC may also be viewed as "abnormal" for that individual even if all measurements fall within the population-based range of normal values. It is suggested that a flowsheet for laboratory values be included in each employee's medical record so that comparisons and trends in annual CBCs can be easily made.

A determination of the clinical significance of an abnormal CBC shall be the responsibility of the examining physician, other licensed health care professional, or medical specialist to whom the employee is referred. Ideally, an abnormal CBC should be compared to previous CBC measurements for the same employee, when available. Clinical common sense may dictate that a CBC value that is very slightly outside the normal range does not warrant medical concern. A CBC abnormality may also be the result of a temporary physical stressor, such as a transient viral illness, blood donation, or menorrhagia, or laboratory error. In these cases, the CBC should be repeated in a timely fashion, i.e., within 6 weeks, to verify that return to the normal range has occurred. A clinically significant abnormal CBC should result in removal of the employee from further exposure to BD. Transfer of the employee to other work duties in a BD-free environment would be the preferred recommendation.

(c) Physical Examination.

The medical screening and surveillance program requires an initial physical examination for workers exposed to BD; this examination is repeated once every three years. The initial physical examination should assess each worker's baseline general health and rule out clinical signs of medical conditions that may be caused by or aggravated by occupational BD exposure. The physical examination should be directed at identification of signs of lymphohematopoietic disorders, including lymph node enlargement, splenomegaly, and hepatomegaly.

Repeated physical examinations should update objective clinical findings that could be indicative of interim development of a lymphohematopoietic disorder, such as lymphoma, leukemia, or other blood abnormality. Physical examinations may also be provided on an as needed basis in order to follow up on a positive answer on the health questionnaire, or in response to an abnormal CBC. Physical examination of workers who will no longer be working in jobs with BD exposure are intended to rule out lymphohematopoietic disorders.

The need for physical examinations for workers concerned about adverse reproductive effects from their exposure to BD should be identified by the physician or other licensed health care professional and provided accordingly. For these workers, such consultations and examinations may relate to developmental toxicity and reproductive capacity.

Physical examination of workers acutely exposed to significant levels of BD should be especially directed at the respiratory system, eyes, sinuses, skin, nervous system, and any region associated with particular complaints. If the worker has received a severe acute exposure, hospitalization may be required to assure proper medical management. Since this type of exposure may place workers at greater risk of blood abnormalities, a CBC must be obtained within 48 hours and repeated at one, two, and three months.

Appendix D: Sampling and Analytical Method for 1,3-Butadiene (Nonmandatory)

OSHA Method No.: 56.

Matrix: Air.

Target concentration: 1 ppm (2.21 mg/m(3)).

Procedure: Air samples are collected by drawing known volumes of air through sampling tubes containing charcoal adsorbent which has been coated with 4-tert-butylcatechol. The samples are desorbed with carbon disulfide and then analyzed by gas chromatography using a flame ionization detector.

Recommended sampling rate and air volume: 0.05 L/min and 3 L.

Detection limit of the overall procedure: 90 ppb (200 ug/m(3)) (based on 3 L air volume).

Reliable quantitation limit: 155 ppb (343 ug/m(3)) (based on 3 L air volume).

Standard error of estimate at the target concentration: 6.5%.

Special requirements: The sampling tubes must be coated with 4-tert-butylcatechol. Collected samples should be stored in a freezer.

Status of method: A sampling and analytical method has been subjected to the established evaluation procedures of the Organic Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah 84165.

(1) Background.

This work was undertaken to develop a sampling and analytical procedure for BD at 1 ppm. The current method recommended by OSHA for collecting BD uses activated coconut shell charcoal as the sampling medium (Ref. 5.2). This method was found to be inadequate for use at low BD levels because of sample instability.

The stability of samples has been significantly improved through the use of a specially cleaned charcoal which is coated with 4-tert-butylcatechol (TBC). TBC is a polymerization inhibitor for BD (Ref. 5.3).

(a) Toxic effects.

Symptoms of human exposure to BD include irritation of the eyes, nose and throat. It can also cause coughing, drowsiness and fatigue. Dermatitis and frostbite can result from skin exposure to liquid BD. (Ref. 5.1)

NIOSH recommends that BD be handled in the workplace as a potential occupational carcinogen. This recommendation is based on two inhalation studies that resulted in cancers at multiple sites in rats and in mice. BD has also demonstrated mutagenic activity in the presence of a liver microsomal activating system. It has also been reported to have adverse reproductive effects. (Ref. 5.1)

(b) Potential workplace exposure.

About 90% of the annual production of BD is used to manufacture styrene-butadiene rubber and Polybutadiene rubber. Other uses include: Polychloroprene rubber, acrylonitrile butadiene-styrene resins, nylon intermediates, styrene-butadiene latexes, butadiene polymers, thermoplastic elastomers, nitrile resins, methyl methacrylate-butadiene styrene resins and chemical intermediates. (Ref. 5.1)

(c) Physical properties (Ref. 5.1).

CAS No.: 106-99-0

Molecular weight: 54.1

Appearance: Colorless gas

Boiling point: -4.41 deg. C (760 mm Hg)

Freezing point: -108.9 deg. C

Vapor pressure: 2 atm (a) 15.3 deg. C; 5 atm (a) 47 deg. C

Explosive limits: 2 to 11.5% (by volume in air)

Odor threshold: 0.45 ppm

Structural formula: H(2)C:CHCH:CH(2)

Synonyms: BD; biethylene; bivinyl; butadiene; divinyl; buta-1,3-diene; alpha-gamma-butadiene; erythrene; NCI-C50602; pyrrolylene; vinylethylene.

(d) Limit defining parameters.

The analyte air concentrations listed throughout this method are based on an air volume of 3 L and a desorption volume of 1 mL. Air concentrations listed in ppm are referenced to 25 deg. C and 760 mm Hg.

(e) Detection limit of the analytical procedure.

The detection limit of the analytical procedure was 304 pg per injection. This was the amount of BD which gave a response relative to the interferences present in a standard.

(f) Detection limit of the overall procedure.

The detection limit of the overall procedure was 0.60 ug per sample (90 ppb or 200 ug/m(3)). This amount was determined graphically. It was the amount of analyte which, when spiked on the sampling device, would allow recovery approximately equal to the detection limit of the analytical procedure.

(g) Reliable quantitation limit.

The reliable quantitation limit was 1.03 ug per sample (155 ppb or 343 ug/m(3)). This was the smallest amount of analyte which could be quantitated within the limits of a recovery of at least 75% and a precision (+/- 1.96 SD) of +/- 25% or better.

(h) Sensitivity.(1)

Footnote (1) The reliable quantitation limit and detection limits reported in the method are based upon optimization of the instrument for the smallest possible amount of analyte. When the target concentration of an analyte is exceptionally higher than these limits, they may not be attainable at the routine operation parameters.

The sensitivity of the analytical procedure over a concentration range representing 0.6 to 2 times the target concentration, based on the recommended air volume, was 387 area units per ug/mL. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(i) Recovery.

The recovery of BD from samples used in storage tests remained above 77% when the samples were stored at ambient temperature and above 94% when the samples were stored at refrigerated temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least 75% following storage.

(j) Precision (analytical method only).

The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.6 to 2 times the target concentration was 0.011.

(k) Precision (overall procedure).

The precision at the 95% confidence level for the refrigerated temperature storage test was +/- 12.7%. This value includes an additional +/- 5% for sampling error. The overall procedure must provide results at the target concentrations that are +/- 25% at the 95% confidence level.

(l) Reproducibility.

Samples collected from a controlled test atmosphere and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The average recovery was 97.2% and the standard deviation was 6.2%.

(2) Sampling procedure.

(a) Apparatus. Samples are collected by use of a personal sampling pump that can be calibrated to within +/- 5% of the recommended 0.05 L/min sampling rate with the sampling tube in line.

(b) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane-treated glass and is about 5-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The opening in the tapered end of the sampling tube is at least one-half the ID of the tube (2 mm). The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with 2 sections of pretreated charcoal which has been coated with TBC. The tube is packed with a 50-mg backup section, located nearest the tapered end, and with a 100-mg sampling section of charcoal. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic end caps. Instructions for the pretreatment and coating of the charcoal are presented in Section 4.1 of this method.

(c) Reagents.

None required.

(d) Technique.

(i) Properly label the sampling tube before sampling and then remove the plastic end caps.

(ii) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the larger front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(iii) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps. Wrap the tube lengthwise.

(iv) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(v) List any potential interferences on the sample data sheet.

(vi) The samples require no special shipping precautions under normal conditions. The samples should be refrigerated if they are to be exposed to higher than normal ambient temperatures. If the samples are to be stored before they are shipped to the laboratory, they should be kept in a freezer. The samples should be placed in a freezer upon receipt at the laboratory.

(e) Breakthrough.

(Breakthrough was defined as the relative amount of analyte found on the backup section of the tube in relation to the total amount of analyte collected on the sampling tube. Five-percent breakthrough occurred after sampling a test atmosphere containing 2.0 ppm BD for 90 min. at 0.05 L/min. At the end of this time 4.5 L of air had been sampled and 20.1 ug of the analyte was collected. The relative humidity of the sampled air was 80% at 23 deg. C.)

Breakthrough studies have shown that the recommended sampling procedure can be used at air concentrations higher than the target concentration. The sampling time, however, should be reduced to 45 min. if both the expected BD level and the relative humidity of the sampled air are high.

(f) Desorption efficiency.

The average desorption efficiency for BD from TBC coated charcoal over the range from 0.6 to 2 times the target concentration was 96.4%. The efficiency was essentially constant over the range studied.

(g) Recommended air volume and sampling rate.

(h) The recommended air volume is 3 L.

(i) The recommended sampling rate is 0.05 L/min. for 1 hour.

(j) Interferences.

There are no known interferences to the sampling method.

(k) Safety precautions.

(i) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(ii) Follow all safety practices that apply to the work area being sampled.

(3) Analytical procedure.

(a) Apparatus.

(i) A gas chromatograph (GC), equipped with a flame ionization detector (FID).(2)

Footnote (2) A Hewlett-Packard Model 5840A GC was used for this evaluation. Injections were performed using a Hewlett-Packard Model 7671A automatic sampler.

(ii) A GC column capable of resolving the analytes from any interference.(3)

Footnote (3) A 20-ft x 1/8-inch OD stainless steel GC column containing 20% FFAP on 80/100 mesh Chromabsorb W-AW-DMCS was used for this evaluation.

(iii) Vials, glass 2-mL with Teflon-lined caps.

(iv) Disposable Pasteur-type pipets, volumetric flasks, pipets and syringes for preparing samples and standards, making dilutions and performing injections.

(b) Reagents.

(i) Carbon disulfide.(4)

Footnote (4) Fisher Scientific Company A.C.S. Reagent Grade solvent was used in this evaluation.

The benzene contaminant that was present in the carbon disulfide was used as an internal standard (ISTD) in this evaluation.

(ii) Nitrogen, hydrogen and air, GC grade.

(iii) BD of known high purity.(5)

Footnote (5) Matheson Gas Products, CP Grade 1,3-butadiene was used in this study.

(c) Standard preparation.

(i) Prepare standards by diluting known volumes of BD gas with carbon disulfide. This can be accomplished by injecting the appropriate volume of BD into the headspace above the 1-mL of carbon disulfide contained in sealed 2-mL vial. Shake the vial after the needle is removed from the septum.(6)

Footnote (6) A standard containing 7.71 ug/mL (at ambient temperature and pressure) was prepared by diluting 4 uL of the gas with 1-mL of carbon disulfide.

(ii) The mass of BD gas used to prepare standards can be determined by use of the following equations:

MV = (760/BP)(273+t)/(273)(22.41)

Where:

MV = ambient molar volume

BP = ambient barometric pressure

T = ambient temperature

ug/uL = 54.09/MV

ug/standard = (ug/uL)(uL) BD used to prepare the standard

(d) Sample preparation.

(i) Transfer the 100-mg section of the sampling tube to a 2-mL vial. Place the 50-mg section in a separate vial. If the glass wool plugs contain a significant amount of charcoal, place them with the appropriate sampling tube section.

(ii) Add 1-mL of carbon disulfide to each vial.

(iii) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand vigorously several times during the desorption period.

(iv) If it is not possible to analyze the samples within 4 hours, separate the carbon disulfide from the charcoal, using a disposable Pasteur-type pipet, following the one hour. This separation will improve the stability of desorbed samples.

(v) Save the used sampling tubes to be cleaned and repacked with fresh adsorbent.

(e) Analysis.

(i) GC Conditions.

Column temperature: 95 deg. C

Injector temperature: 180 deg. C

Detector temperature: 275 deg. C

Carrier gas flow rate: 30 mL/min.

Injection volume: 0.80 uL

GC column: 20-ft x 1/8-in OD stainless steel GC column containing 20%

FFAP on 80/100 Chromabsorb W-AW-DMCS.

(ii) Chromatogram. See Section 4.2.

(iii) Use a suitable method, such as electronic or peak heights, to measure detector response.

(iv) Prepare a calibration curve using several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report the results in ug/mL.

(v) Bracket sample concentrations with standards.

(f) Interferences (analytical).

(i) Any compound with the same general retention time as the analyte and which also gives a detector response is a potential interference. Possible interferences should be reported by the industrial hygienist to the laboratory with submitted samples.

(ii) GC parameters (temperature, column, etc.) may be changed to circumvent interferences.

(iii) A useful means of structure designation is GC/MS. It is recommended that this procedure be used to confirm samples whenever possible.

(g) Calculations.

(i) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(ii) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If any analyte is found on the backup section, this amount is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(iii) The BD air concentration can be expressed using the following equation:

mg/m(3) = (A)(B)/(C)(D)

Where:

A = ug/mL from Section 3.7.2

B = volume

C = L of air sampled

D = efficiency

(iv) The following equation can be used to convert results in mg/m(3) to ppm:

ppm = (mg/m(3))(24.46)/54.09

Where:

mg/m(3) = result from Section 3.7.3.

24.46 = molar volume of an ideal gas at 760 mm Hg and 25 deg. C.

(h) Safety precautions (analytical).

(i) Avoid skin contact and inhalation of all chemicals.

(ii) Restrict the use of all chemicals to a fume hood whenever possible.

(iii) Wear safety glasses and a lab coat in all laboratory areas.

(4) Additional Information.

(a) A procedure to prepare specially cleaned charcoal coated with TBC.

(i) Apparatus.

(A) Magnetic stirrer and stir bar.

(B) Tube furnace capable of maintaining a temperature of 700 deg. C and equipped with a quartz tube that can hold 30 g of charcoal.(8)

Footnote (8) A Lindberg Type 55035 Tube furnace was used in this evaluation.

(C) A means to purge nitrogen gas through the charcoal inside the quartz tube.

(D) Water bath capable of maintaining a temperature of 60 deg. C.

(E) Miscellaneous laboratory equipment: One-liter vacuum flask, 1-L Erlenmeyer flask, 350-M1 Buchner funnel with a coarse fitted disc, 4-oz brown bottle, rubber stopper, Teflon tape etc.

(ii) Reagents.

(A) Phosphoric acid, 10% by weight, in water.(9)

Footnote (9) Baker Analyzed Reagent grade was diluted with water for use in this evaluation.

(B) 4-tert-Butylcatechol (TBC).(10)

Footnote (10) The Aldrich Chemical Company 99% grade was used in this evaluation.

(C) Specially cleaned coconut shell charcoal, 20/40 mesh.(11)

Footnote (11) Specially cleaned charcoal was obtained from Supelco, Inc. for use in this evaluation. The cleaning process used by Supelco is proprietary.

(D) Nitrogen gas, GC grade.

(iii) Procedure.

Weigh 30g of charcoal into a 500-mL Erlenmeyer flask. Add about 250 mL of 10% phosphoric acid to the flask and then swirl the mixture. Stir the mixture for 1 hour using a magnetic stirrer. Filter the mixture using a fitted Buchner funnel. Wash the charcoal several times with 250-mL portions of deionized water to remove all traces of the acid. Transfer the washed charcoal to the tube furnace quartz tube. Place the quartz tube in the furnace and then connect the nitrogen gas purge to the tube. Fire the charcoal to 700 deg. C. Maintain that temperature for at least 1 hour. After the charcoal has cooled to room temperature, transfer it to a tared beaker. Determine the weight of the charcoal and then add an amount of TBC which is 10% of the charcoal, by weight.

CAUTION-TBC is toxic and should only be handled in a fume hood while wearing gloves.

Carefully mix the contents of the beaker and then transfer the mixture to a 4-oz bottle. Stopper the bottle with a clean rubber stopper which has been wrapped with Teflon tape. Clamp the bottle in a water bath so that the water level is above the charcoal level. Gently heat the bath to 60 deg. C and then maintain that temperature for 1 hour. Cool the charcoal to room temperature and then transfer the coated charcoal to a suitable container.

The coated charcoal is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number.

(b) Chromatograms.

The chromatograms were obtained using the recommended analytical method. The chart speed was set at 1 cm/min. for the first three min. and then at 0.2 cm/min. for the time remaining in the analysis.

The peak which elutes just before BD is a reaction product between an impurity on the charcoal and TBC. This peak is always present, but it is easily resolved from the analyte. The peak which elutes immediately before benzene is an oxidation product of TBC.

(5) References.

(a) "Current Intelligence Bulletin 41, 1,3-Butadiene", U.S. Dept. of Health and Human Services, Public Health Service, Center for Disease Control, NIOSH.

(b) "NIOSH Manual of Analytical Methods", 2nd ed.; U.S. Dept. of Health Education and Welfare, National Institute for Occupational Safety and Health: Cincinnati, OH. 1977, Vol. 2, Method No. S91 DHEW (NIOSH) Publ. (U.S.), No. 77-157-B.

(c) Hawley, G.C., Ed. "The Condensed Chemical Dictionary", 8th ed.; Van Nostrand Rienhold Company: New York, 1971; 139.5.4. Chem. Eng. News (June 10, 1985), (63), 22-66.

Appendix E: Reserved.

APPENDIX F, MEDICAL QUESTIONNAIRES, (Nonmandatory)

1,3-Butadiene (BD) Initial Health Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: _____

Name: _____ SSN__/__/__

Last First MI

Job Title: _____

Company's Name: _____

Supervisor's Name: _____

Supervisor's Phone No.: ( ) _____-_____

Work History

1. Please list all jobs you have had in the past, starting with the job you have now and moving back in time to your first job. (For more space, write on the back of this page.)

Main Job Duty
Year
Company Name
City, State

Chemicals
1.
2.
3.
4.
5.
6.
7.
8.

2. Please describe what you do during a typical work day. Be sure to tell about your work with BD.

_____

_____

_____

3. Please check any of these chemicals that you work with now or have worked with in the past:

benzene ___
glues ___
toluene ___
inks, dyes ___
other solvents, grease cutters ___
insecticides (like DDT, lindane, etc.) ___
paints, varnishes, thinners, strippers ___
dusts ___
carbon tetrachloride ("carbon tet") ___
arsine ___
carbon disulfide ___
lead ___
cement ___
petroleum products ___
nitrites ___

4. Please check the protective clothing or equipment you use at the job you have now:

gloves ___
coveralls ___
respirator ___
dust mask ___
safety glasses, goggles ___

Please circle your answer.

5. Does your protective clothing or equipment fit you properly? yes no

6. Have you ever made changes in your protective clothing or equipment to make it fit better? yes no

7. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

8. Where do you eat, drink and/or smoke when you are at work? (Please check all that apply.)

Cafeteria/restaurant/snack bar ___
Break room/employee lounge ___
Smoking lounge ___
At my work station ___

Please circle your answer.

9. Have you been exposed to radiation (like X rays or nuclear material) at the job you have now or at past jobs? yes no

10. Do you have any hobbies that expose you to dusts or chemicals (including paints, glues, etc.)? yes no

11. Do you have any second or side jobs? yes no

If yes, what are your duties there? _____

_____

_____

12. Were you in the military? yes no

If yes, what did you do in the military? _____

_____

_____

_____

Family Health History

1. In the FAMILY MEMBER column, across from the disease name, write which family member, if any, had the disease.

DISEASE	FAMILY MEMBER
Cancer	
Lymphoma	
Sickle Cell Disease or Trait	
Immune Disease	
Leukemia	
Anemia	

2. Please fill in the following information about family health

Relative	Alive?	Age at Death?	Cause of Death?
Father			
Mother			
Brother/Sister			
Brother/Sister			
Brother/Sister			

Personal Health History

Birth Date ___/___/___ Age ___Sex ___Height___Weight ___

Please circle your answer.

1. Do you smoke any tobacco products? yes no

2. Have you ever had any kind of surgery or operation? yes no

If yes, what type of surgery:

_____

_____

_____

3. Have you ever been in the hospital for any other reasons? yes no

If yes, please describe the reason _____

_____

_____

_____

4. Do you have any on-going or current medical problems or conditions? yes no

If yes, please describe: _____

_____

_____

5. Do you now have or have you ever had any of the following? Please check all that apply to you.

unexplained fever ___
anemia ("low blood") ___
HIV/AIDS ___
weakness ___
sickle cell ___
miscarriage ___
skin rash ___
bloody stools ___
leukemia/lymphoma ___
neck mass/swelling ___
wheezing ___
yellowing of skin ___
bruising easily ___
lupus ___
weight loss ___
kidney problems ___
enlarged lymph nodes ___
liver disease ___
cancer ___
infertility ___
drinking problems ___
thyroid problems ___
night sweats ___
chest pain ___
still birth ___
eye redness ___
lumps you can feel ___

child with birth defect ___
autoimmune disease ___
overly tired ___
lung problems ___
rheumatoid arthritis ___
mononucleosis ("mono") ___
nagging cough ___

Please circle your answer.

6. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

7. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

8. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

9. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

10. Do you take any medications (including birth control or over-the-counter)? yes no

If yes, please list: _____

11. Are you allergic to any medication, food, or chemicals? yes no

If yes, please list: _____

12. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

13. Did you understand all the questions? yes no

_____
Signature

1,3-Butadiene (BD) Health Update Questionnaire

DIRECTIONS:

You have been asked to answer the questions on this form because you work with BD (butadiene). These questions are about your work, medical history, and health concerns. Please do your best to answer all of the questions. If you need help, please tell the doctor or health care professional who reviews this form.

This form is a confidential medical record. Only information directly related to your health and safety on the job may be given to your employer. Personal health information will not be given to anyone without your consent.

Date: _____
Name: _____ SSN___/ __/__
Last First MI
Job Title: _____
Company's Name: _____
Supervisor's Name: _____
Supervisor's Phone No.: ( ) ____- _____

1. Please describe any NEW duties that you have at your job. _____

2. Please describe any additional job duties you have:

_____ _____
_____ _____
_____ _____
_____ _____
_____ _____

Please circle your answer.

3. Are you exposed to any other chemicals in your work since the last time you were evaluated for exposure to BD? yes no

If yes, please list what they are: _____

4. Does your personal protective equipment and clothing fit you properly? yes no

5. Have you made changes in this equipment or clothing to make if fit better? yes no

6. Have you been exposed to BD when you were not wearing protective clothing or equipment? yes no

7. Are you exposed to any NEW chemicals at home or while working on hobbies? yes no

If yes, please list what they are: _____

8. Since your last BD health evaluation, have you started working any new second or side jobs? yes no

If yes, what are your duties there? _____

Personal Health History

1. What is your current weight? _____ pounds

2. Have you been diagnosed with any new medical conditions or illness since your last evaluation?
yes no

If yes, please tell what they are: _____

3. Since your last evaluation, have you been in the hospital for any illnesses, injuries, or surgery? yes no

If yes, please describe: _____

4. Do you have any of the following? Please place a check for all that apply to you.

unexplained fever ___
anemia ("low blood") ___
HIV/AIDS ___
weakness ___
sickle cell ___
miscarriage ___
skin rash ___
bloody stools ___
leukemia/lymphoma ___
neck mass/swelling ___
wheezing ___
yellowing of skin ___
bruising easily ___
lupus ___
weight loss ___
kidney problems ___
enlarged lymph nodes ___
liver disease ___
cancer ___
infertility ___
drinking problems ___
thyroid problems ___
night sweats ___
chest pain ___
still birth ___
eye redness ___
lumps you can feel ___
child with birth defect ___
autoimmune disease ___
overly tired ___
lung problems ___
rheumatoid arthritis ___
mononucleosis ("mono") ___
nagging cough ___

Please circle your answer.

5. Do you have any symptoms or health problems that you think may be related to your work with BD? yes no

If yes, please describe: _____

_____

6. Have any of your co-workers had similar symptoms or problems? yes no don't know

If yes, please describe: _____

_____

7. Do you notice any irritation of your eyes, nose, throat, lungs, or skin when working with BD? yes no

8. Do you notice any blurred vision, coughing, drowsiness, nausea, or headache when working with BD? yes no

9. Have you been taking any NEW medications (including birth control or over-the-counter)? yes no

If yes, please list:

_____ _____ _____
_____ _____ _____
_____ _____ _____

10. Have you developed any new allergies to medications, foods, or chemicals? yes no

If yes, please list:

_____ _____ _____
_____ _____ _____
_____ _____ _____

11. Do you have any health conditions not covered by this questionnaire that you think are affected by your work with BD? yes no

If yes, please explain: _____

_____

12. Do you understand all the questions? yes no

_____

Signature

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-07460, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07460, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07460, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 97-19-014, § 296-62-07460, filed 9/5/97, effective 11/5/97.]

WAC 296-62-075 Air contaminants.

Note: The requirements in WAC 296-62-075 through 296-62-07515 apply only to agriculture. The requirements for all other industries relating to respiratory hazards have been moved to chapter 296-841 WAC, Respiratory hazards.

(1) An employee's exposure to any substance listed in Table 1 of WAC 296-62-07515 shall be limited in accordance with the requirements of WAC 296-62-07501 through 296-62-07513.

(2) The following definitions are applicable to the limits in Table 1.

(a) Time weighted average (TWA) is the employee's average airborne exposure to any 8-hour work shift of a 40-hour work week which shall not be exceeded.

(b) Short term exposure limit (STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Ceiling is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) The terms "substance," "air contaminant," and "material" are equivalent in meaning for WAC 296-62-075 through 296-62-07515.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-115, § 296-62-075, filed 10/1/03, effective 1/1/04. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 97-19-014, § 296-62-075, filed 9/5/97, effective 11/5/97. Statutory Authority: Chapter 49.17 RCW. 89-15-002 (Order 89-06), § 296-62-075, filed 7/6/89, effective 8/7/89; Order 73-3, § 296-62-075, filed 5/7/73.]

WAC 296-62-07521 Lead. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-307 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 μg/m³) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) General requirements.

(a) Employers will assess the hazards of lead in the work place and provide information to the employees about the hazards of the lead exposures to which they may be exposed.

(b) Information provided shall include:

(i) Exposure monitoring (including employee notification);

(ii) Written compliance programs;

(iii) Respiratory protection programs;

(iv) Personnel protective equipment and housekeeping;

(v) Medical surveillance and examinations;

(vi) Training requirements;

(vii) Recordkeeping requirements.

(4) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 μg/m³) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

Maximum permissible limit (in μg/m³) = 400 ÷ hours worked in the day.

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (7) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(5) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (5), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (5)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee exposure monitoring results and any of the following, relevant considerations:

(A) Any information, observations, or calculations which would indicate employee exposure to lead;

(B) Any previous measurements of airborne lead; and

(C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (5)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (5)(b) and (5)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (5)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (5)(b) and (5)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (5)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (5)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (5)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall con-

tinue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (5)(f)(ii), except as otherwise provided in subdivision (5)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 μg/m^3.

(6) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 μg/m^3, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 μg/m^3.

TABLE 1

Industry	Compliance dates:[1] (50 μg/m^3)
Lead chemicals, secondary copper smelting.	July 19, 1996
Nonferrous foundries	July 19, 1996.[2]
Brass and bronze ingot manufacture.	6 years.[3]

[1] Calculated by counting from the date the stay on implementation of subsection (6)(a) was lifted by the U.S. Court of Appeals for the District of Columbia, the number of years specified in the 1978 lead standard and subsequent amendments for compliance with the PEL of 50 μg/m^3 for exposure to airborne concentrations of lead levels for the particular industry.

[2] Large nonferrous foundries (20 or more employees) are required to achieve the PEL of 50 μg/m^3 by means of engineering and work practice controls. Small nonferrous foundries (fewer than 20 employees) are required to achieve an 8-hour TWA of 75 μg/m^3 by such controls.

[3] Expressed as the number of years from the date on which the Court lifts the stay on the implementation of subsection (6)(a) for this industry for employers to achieve a lead in air concentration of 75 μg/m^3. Compliance with subsection (6) in this industry is determined by a compliance directive that incorporates elements from the settlement agreement between OSHA and representatives of the industry.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 μg/m^3 permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (7).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (6)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (8), (9) and (10) of this regulation;

(G) An administrative control schedule required by subdivision (6)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three

months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(e) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(7) Respiratory protection.

(a) General. For employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this subsection. Respirators must be used during:

(i) Period necessary to install or implement engineering or work-practice controls;

(ii) Work operations for which engineering and work-practice controls are not sufficient to reduce exposures to or below the permissible exposure limit;

(iii) Periods when an employee requests a respirator.

(b) Respirator program.

(i) The employer must implement a respiratory protection program as required by chapter 296-62 WAC, Part E (except WAC 296-62-07130(1) and 296-62-07150 through 296-62-07156).

(ii) If an employee has breathing difficulty during fit testing or respirator use, the employer must provide the employee with a medical examination as required by subsection (11)(c)(ii)(C) of this section to determine whether or not the employee can use a respirator while performing the required duty.

(c) Respirator selection.

(i) The employer must select the appropriate respirator or combination of respirators from Table II of this section.

(ii) The employer must provide a powered air-purifying respirator instead of the respirator specified in Table II of this section when an employee chooses to use this type of respirator and that such a respirator provides adequate protection to the employee.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator[1]
Not in excess of 0.5 mg/m^3 (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters.[2,3]
Not in excess of 2.5 mg/m^3 (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters.[3]

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator[1]
Not in excess of 50 mg/m^3 (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters[3]; or (2) Half-mask supplied-air respirator operated in positive-pressure mode.[2]
Not in excess of 100 mg/m^3 (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m^3, unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: [1] Respirators specified for high concentrations can be used at lower concentrations of lead.

[2] Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

[3] A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(8) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

(i) Coveralls or similar full-body work clothing;

(ii) Gloves, hats, and shoes or disposable shoe coverlets; and

(iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-800-160.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (8)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over 200 μg/m^3 of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (8)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (10)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (8)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD.
DO NOT REMOVE DUST BY BLOWING OR SHAKING.

DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(9) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a manner which minimizes the reentry of lead into the workplace.

(10) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (10)(b) through (10)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(iii) The employer shall assure that employees who are required to shower pursuant to item (10)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-800-230.

(11) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under item (11)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (11)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 μg/100 g of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 μg/100 g of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i)(A), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 μg/100 ml, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 μg/100 g: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (12)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (11)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 μg/100 g;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (11)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(I) Blood lead level;

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(III) Zinc protoporphyrin;

(IV) Blood urea nitrogen; and

(V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (11)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(I) To review any findings, determinations or recommendations of the initial physician; and

(II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(I) The employee informing the employer that he or she intends to seek a second medical opinion, and

(II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(I) To review any findings, determinations or recommendations of the prior physicians; and

(II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(I) A copy of this regulation for lead including all appendices;

(II) A description of the affected employee's duties as they relate to the employee's exposure;

(III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(IV) A description of any personal protective equipment used or to be used;

(V) Prior blood lead determinations; and

(VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examin-

ing or consulting physician which contains the following information:

(I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (11)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(12) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above 60 μg/100 g of whole blood; and

(B) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 μg/100 g of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 μg/100 g of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above 60 μg/100 g, or due to an average blood lead level at or above 50 μg/100 g, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 μg/100 g of whole blood;

(II) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (12)(b)(i) of this section.

(13) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (13)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper use, limitations, and other training requirements for respiratory protection as required by chapter 296-62 WAC, Part E;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular

attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (13)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(14) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(15) Recordkeeping.

(a) Exposure monitoring.

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (5) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, Social Security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) The environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (11) of this section.

(ii) This record shall include:

(A) The name, Social Security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) The employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (11) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (12) of this section.

(ii) Each record shall include:

(A) The name and Social Security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (15) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (15) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(16) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (5) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation.

(a) Appendix A. Substance Data Sheet for Occupational Exposure to Lead.

(i) Substance identification.

(A) Substance. Pure lead (Pb) is a heavy metal at room temperature and pressure and is a basic chemical element. It can combine with various other substances to form numerous lead compounds.

(B) Compounds covered by the standard. The word "lead" when used in this standard means elemental lead, all inorganic lead compounds (except those which are not biologically available due to either solubility or specific chemical interaction), and a class of organic lead compounds called lead soaps. This standard does not apply to other organic lead compounds.

(C) Uses. Exposure to lead occurs in at least 120 different occupations, including primary and secondary lead smelting, lead storage battery manufacturing, lead pigment manufacturing and use, solder manufacturing and use, shipbuilding and ship repairing, auto manufacturing, and printing.

(D) Permissible exposure. The Permissible Exposure Limit (PEL) set by the standard is 50 micrograms of lead per cubic meter of air (50 $\mu g/m^3$), averaged over an eight-hour work day.

(E) Action level. The standard establishes an action level of 30 micrograms per cubic meter of air (30 $\mu g/m^3$) time weighted average, based on an eight-hour work day. The action level initiates several requirements of the standard, such as exposure monitoring, medical surveillance, and training and education.

(ii) Health hazard data.

(A) Ways in which lead enters your body.

(I) When absorbed into your body in certain doses lead is a toxic substance. The object of the lead standard is to prevent absorption of harmful quantities of lead. The standard is intended to protect you not only from the immediate toxic effects of lead, but also from the serious toxic effects that may not become apparent until years of exposure have passed.

(II) Lead can be absorbed into your body by inhalation (breathing) and ingestion (eating). Lead (except for certain organic lead compounds not covered by the standard, such as tetraethyl lead) is not absorbed through your skin. When lead is scattered in the air as a dust, fume or mist, it can be inhaled and absorbed through your lungs and upper respiratory tract. Inhalation of airborne lead is generally the most important source of occupational lead absorption. You can also absorb lead through your digestive system if lead gets into your mouth and is swallowed. If you handle food, cigarettes, chewing tobacco, or make-up which have lead on them or handle them with hands contaminated with lead, this will contribute to ingestion.

(III) A significant portion of the lead that you inhale or ingest gets into your blood stream. Once in your blood stream lead is circulated throughout your body and stored in various organs and body tissues. Some of this lead is quickly filtered out of your body and excreted, but some remains in your blood and other tissue. As exposure to lead continues, the amount stored in your body will increase if you are absorbing more lead than your body is excreting. Even though you may not be aware of any immediate symptoms of disease, this lead stored in your tissues can be slowly causing irreversible damage, first to individual cells, then to your organs and whole body systems.

(B) Effects of overexposure to lead.

(I) Short-term (acute) overexposure. Lead is a potent, systemic poison that serves no known useful function once absorbed by your body. Taken in large enough doses, lead can kill you in a matter of days. A condition affecting the brain called acute encephalopathy may arise which develops quickly to seizures, coma, and death from cardiorespiratory arrest. A short-term dose of lead can lead to acute encephalopathy. Short-term occupational exposures of this magni-

tude are highly unusual, but not impossible. Similar forms of encephalopathy may, however arise from extended, chronic exposure to lower doses of lead. There is no sharp dividing line between rapidly developing acute effects of lead, and chronic effects which take longer to acquire. Lead adversely affects numerous body systems, and causes forms of health impairment and disease which arise after periods of exposure as short as days or as long as several years.

(II) Long-term (chronic) overexposure.

a) Chronic overexposure to lead may result in severe damage to your blood-forming, nervous, urinary and reproductive systems. Some common symptoms of chronic overexposure include loss of appetite, metallic taste in the mouth, anxiety, constipation, nausea, pallor, excessive tiredness, weakness, insomnia, headache, nervous irritability, muscle and joint pain or soreness, fine tremors, numbness, dizziness, hyperactivity and colic. In lead colic there may be severe abdominal pain.

b) Damage to the central nervous system in general and the brain (encephalopathy) in particular is one of the most severe forms of lead poisoning. The most severe, often fatal, form of encephalopathy may be preceded by vomiting, a feeling of dullness progressing to drowsiness and stupor, poor memory, restlessness, irritability, tremor, and convulsions. It may arise suddenly with the onset of seizures, followed by coma, and death. There is a tendency for muscular weakness to develop at the same time. This weakness may progress to paralysis often observed as a characteristic "wrist drop" or "foot drop" and is a manifestation of a disease to the nervous system called peripheral neuropathy.

c) Chronic overexposure to lead also results in kidney disease with few, if any, symptoms appearing until extensive and most likely permanent kidney damage has occurred. Routine laboratory tests reveal the presence of this kidney disease only after about two-thirds of kidney function is lost. When overt symptoms of urinary dysfunction arise, it is often too late to correct or prevent worsening conditions, and progression of kidney dialysis or death is possible.

d) Chronic overexposure to lead impairs the reproductive systems of both men and women. Overexposure to lead may result in decreased sex drive, impotence and sterility in men. Lead can alter the structure of sperm cells raising the risk of birth defects. There is evidence of miscarriage and stillbirth in women whose husbands were exposed to lead or who were exposed to lead themselves. Lead exposure also may result in decreased fertility, and abnormal menstrual cycles in women. The course of pregnancy may be adversely affected by exposure to lead since lead crosses the placental barrier and poses risks to developing fetuses. Children born of parents either one of whom were exposed to excess lead levels are more likely to have birth defects, mental retardation, behavioral disorders or die during the first year of childhood.

e) Overexposure to lead also disrupts the blood-forming system resulting in decreased hemoglobin (the substance in the blood that carries oxygen to the cells) and ultimately anemia. Anemia is characterized by weakness, pallor and fatigability as a result of decreased oxygen carrying capacity in the blood.

(III) Health protection goals of the standard.

a) Prevention of adverse health effects for most workers from exposure to lead throughout a working lifetime requires that worker blood lead (PbB) levels be maintained at or below forty micrograms per one hundred grams of whole blood (40 μg/100g). The blood lead levels of workers (both male and female workers) who intend to have children should be maintained below 30 μg/100g to minimize adverse reproductive health effects to the parents and to the developing fetus.

b) The measurement of your blood lead level is the most useful indicator of the amount of lead absorbed by your body. Blood lead levels (PbB) are most often reported in units of milligrams (mg) or micrograms (μg) of lead (1 mg = 1000 μg) per 100 grams (100g), 100 milliliters (100 ml) or deciliter (dl) of blood. These three units are essentially the same. Sometimes PbB's are expressed in the form of mg% or μg%. This is a shorthand notation for 100g, 100ml, or dl.

c) PbB measurements show the amount of lead circulating in your blood stream, but do not give any information about the amount of lead stored in your various tissues. PbB measurements merely show current absorption of lead, not the effect that lead is having on your body or the effects that past lead exposure may have already caused. Past research into lead-related diseases, however, has focused heavily on associations between PbBs and various diseases. As a result, your PbB is an important indicator of the likelihood that you will gradually acquire a lead-related health impairment or disease.

d) Once your blood lead level climbs above 40 μg/100g, your risk of disease increases. There is a wide variability of individual response to lead, thus it is difficult to say that a particular PbB in a given person will cause a particular effect. Studies have associated fatal encephalopathy with PbBs as low as 150 μg/100g. Other studies have shown other forms of disease in some workers with PbBs well below 80 μg/100g. Your PbB is a crucial indicator of the risks to your health, but one other factor is extremely important. This factor is the length of time you have had elevated PbBs. The longer you have an elevated PbB, the greater the risk that large quantities of lead are being gradually stored in your organs and tissues (body burden). The greater your overall body burden, the greater the chances of substantial permanent damage.

e) The best way to prevent all forms of lead-related impairments and diseases—both short-term and long-term—is to maintain your PbB below 40 μg/100g. The provisions of the standard are designed with this end in mind. Your employer has prime responsibility to assure that the provisions of the standard are complied with both by the company and by individual workers. You as a worker, however, also have a responsibility to assist your employer in complying with the standard. You can play a key role in protecting your own health by learning about the lead hazards and their control, learning what the standard requires, following the standard where it governs your own action, and seeing that your employer complies with the provisions governing his actions.

(IV) Reporting signs and symptoms of health problems. You should immediately notify your employer if you develop signs or symptoms associated with lead poisoning or if you desire medical advice concerning the effects of current or past exposure to lead on your ability to have a healthy child.

You should also notify your employer if you have difficulty breathing during a respirator fit test or while wearing a respirator. In each of these cases your employer must make available to you appropriate medical examinations or consultations. These must be provided at no cost to you and at a reasonable time and place.

(b) Appendix B. Employee Standard Summary. This appendix summarizes key provisions of the standard that you as a worker should become familiar with. The appendix discusses the entire standard.

(i) Permissible exposure limit (PEL). The standard sets a permissible exposure limit (PEL) of fifty micrograms of lead per cubic meter of air (50 $\mu g/m^3$), averaged over and eight-hour workday. This is the highest level of lead in air to which you may be permissibly exposed over an eight-hour workday. Since it is an eight-hour average it permits short exposures above the PEL so long as for each eight-hour workday your average exposure does not exceed the PEL.

(ii) Exposure monitoring.

(A) If lead is present in the work place where you work in any quantity, your employer is required to make an initial determination of whether the action level is exceeded for any employee. The initial determination must include instrument monitoring of the air for the presence of lead and must cover the exposure of a representative number of employees who are reasonably believed to have the highest exposure levels. If your employer has conducted appropriate air sampling for lead in the past year he may use these results. If there have been any employee complaints of symptoms which may be attributable to exposure to lead or if there is any other information or observations which would indicate employee exposure to lead, this must also be considered as part of the initial determination. If this initial determination shows that a reasonable possibility exists that any employee may be exposed, without regard to respirators, over the action level (30 $\mu g/m^3$) your employer must set up an air monitoring program to determine the exposure level of every employee exposed to lead at your work place.

(B) In carrying out this air monitoring program, your employer is not required to monitor the exposure of every employee, but he or she must monitor a representative number of employees and job types. Enough sampling must be done to enable each employee's exposure level to be reasonably represented by at least one full shift (at least seven hours) air sample. In addition, these air samples must be taken under conditions which represent each employee's regular, daily exposure to lead.

(C) If you are exposed to lead and air sampling is performed, your employer is required to quickly notify you in writing of air monitoring results which represent your exposure. If the results indicate your exposure exceeds the PEL (without regard to your use of respirators), then your employer must also notify you of this in writing, and provide you with a description of the corrective action that will be taken to reduce your exposure.

(D) Your exposure must be rechecked by monitoring every six months if your exposure is over the action level but below the PEL. Air monitoring must be repeated every three months if you are exposed over the PEL. Your employer may discontinue monitoring for you if two consecutive measurements, taken at least two weeks apart, are below the action level. However, whenever there is a production, process, control, or personnel change at your work place which may result in new or additional exposure to lead, or whenever there is any other reason to suspect a change which may result in new or additional exposure to lead, your employer must perform additional monitoring.

(iii) Methods of compliance. Your employer is required to assure that no employee is exposed to lead in excess of the PEL. The standard establishes a priority of methods to be used to meet the PEL.

(iv) Respiratory protection.

(A) Your employer is required to provide and assure your use of respirators when your exposure to lead is not controlled below the PEL by other means. The employer must pay the cost of the respirator. Whenever you request one, your employer is also required to provide you a respirator even if your air exposure level does not exceed the PEL. You might desire a respirator when, for example, you have received medical advice that your lead absorption should be decreased. Or, you may intend to have children in the near future, and want to reduce the level of lead in your body to minimize adverse reproductive effects. While respirators are the least satisfactory means of controlling your exposure, they are capable of providing significant protection if properly chosen, fitted, worn, cleaned, maintained, and replaced when they stop providing adequate protection.

(B) Your employer is required to select respirators from the seven types listed in Table II of the respiratory protection section of this standard (see subsection (7)(c) of this section). Any respirator chosen must be certified by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 42 CFR part 84. This respirator selection table will enable your employer to choose a type of respirator which will give you a proper amount of protection based on your airborne lead exposure. Your employer may select a type of respirator that provides greater protection than that required by the standard; that is, one recommended for a higher concentration of lead than is present in your work place. For example, a powered air purifying respirator (PAPR) is much more protective than a typical negative-pressure respirator, and may also be more comfortable to wear. A PAPR has a filter, cartridge or canister to clean the air, and a power source which continuously blows filtered air into your breathing zone. Your employer might make a PAPR available to you to ease the burden of having to wear a respirator for long periods of time. The standard provides that you can obtain a PAPR upon request.

(C) Your employer must also start a respiratory protection program. This program must include written procedures for the proper selection, use, cleaning, storage, and maintenance of respirators.

(D) Your employer must assure that your respirator facepiece fits properly. Proper fit of a respirator facepiece is critical to your protection against air borne lead. Obtaining a proper fit on each employee may require your employer to make available several different types of respirator masks. To ensure that your respirator fits properly and that facepiece leakage is minimal, your employer must give you either a qualitative or quantitative fit test as required in chapter 296-62 WAC, Part E.

(E) You must also receive from your employer proper training in the use of respirators. Your employer is required to teach you how to wear a respirator, to know why it is needed, and to understand its limitations.

(F) The standard provides that if your respirator uses filter elements, you must be given an opportunity to change the filter elements whenever an increase in breathing resistance is detected. You also must be permitted to periodically leave your work area to wash your face and respirator facepiece whenever necessary to prevent skin irritation. If you ever have difficulty breathing during a fit test or while using a respirator, your employer must make a medical examination available to you to determine whether you can safely wear a respirator. The result of this examination may be to give you a positive pressure respirator (which reduces breathing resistance) or to provide alternative means of protection.

(v) Protective work clothing and equipment. If you are exposed to lead above the PEL, or if you are exposed to lead compounds such as lead arsenate or lead azide which can cause skin and eye irritation, your employer must provide you with protective work clothing and equipment appropriate for the hazard. If work clothing is provided, it must be provided in a clean and dry condition at least weekly, and daily if your airborne exposure to lead is greater than 200 $\mu g/m^3$. Appropriate protective work clothing and equipment can include coveralls or similar full-body work clothing, gloves, hats, shoes or disposable shoe coverlets, and face shields or vented goggles. Your employer is required to provide all such equipment at no cost to you. He or she is responsible for providing repairs and replacement as necessary and also is responsible for the cleaning, laundering or disposal of protective clothing and equipment. Contaminated work clothing or equipment must be removed in change rooms and not worn home or you will extend your exposure and expose your family since lead from your clothing can accumulate in your house, car, etc. Contaminated clothing which is to be cleaned, laundered or disposed of must be placed in closed containers in the change room. At no time may lead be removed from protective clothing or equipment by any means which disperses lead into the work room air.

(vi) Housekeeping. Your employer must establish a housekeeping program sufficient to maintain all surfaces as free as practicable of accumulations of lead dust. Vacuuming is the preferred method of meeting this requirement, and the use of compressed air to clean floors and other surfaces is absolutely prohibited. Dry or wet sweeping, shoveling, or brushing may not be used except where vacuuming or other equally effective methods have been tried and do not work. Vacuums must be used and emptied in a manner which minimizes the reentry of lead into the work place.

(vii) Hygiene facilities and practices.

(A) The standard requires that change rooms, showers and filtered air lunchrooms be constructed and made available to workers exposed to lead above the PEL. When the PEL is exceeded, the employer must assure that food and beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in these facilities. Change rooms, showers and lunchrooms, must be used by workers exposed in excess of the PEL. After showering, no clothing or equipment worn during the shift may be worn home and this includes shoes and underwear. Your own clothing worn during the shift should be carried home and cleaned carefully so that it does not contaminate your home. Lunchrooms may not be entered with protective clothing or equipment unless surface dust has been removed by vacuuming, downdraft booth or other cleaning methods. Finally, workers exposed above the PEL must wash both their hands and faces prior to eating, drinking, smoking or applying cosmetics.

(B) All of the facilities and hygiene practices just discussed are essential to minimize additional sources of lead absorption from inhalation or ingestion of lead that may accumulate on you, your clothes or your possessions. Strict compliance with these provisions can virtually eliminate several sources of lead exposure which significantly contribute to excessive lead absorption.

(viii) Medical surveillance.

(A) The medical surveillance program is part of the standard's comprehensive approach to the prevention of lead-related disease. Its purpose is to supplement the main thrust of the standard which is aimed at minimizing airborne concentrations of lead and sources of ingestion. Only medical surveillance can determine if the other provisions of the standard have effectively protected you as an individual. Compliance with the standard's provision will protect most workers from the adverse effects of lead exposure, but may not be satisfactory to protect individual workers (I) who have high body burdens of lead acquired over past years, (II) who have additional uncontrolled sources of nonoccupational lead exposure, (III) who exhibit unusual variations in lead absorption rates, or (IV) who have specific nonwork related medical conditions which could be aggravated by lead exposure (e.g., renal disease, anemia). In addition, control systems may fail, or hygiene and respirator programs may be inadequate. Periodic medical surveillance of individual workers will help detect those failures. Medical surveillance will also be important to protect your reproductive ability - regardless of whether you are a man or a woman.

(B) All medical surveillance required by the standard must be performed by or under the supervision of a licensed physician. The employer must provide required medical surveillance without cost to employees and at a reasonable time and place. The standard's medical surveillance program has two parts - periodic biological monitoring, and medical examinations.

(C) Your employer's obligation to offer medical surveillance is triggered by the results of the air monitoring program. Medical surveillance must be made available to all employees who are exposed in excess of the action level for more than 30 days a year. The initial phase of the medical surveillance program, which included blood lead level tests and medical examinations, must be completed for all covered employees no later than 180 days from the effective date of this standard. Priority within this first round of medical surveillance must be given to employees whom the employer believes to be at greatest risk from continued exposure (for example, those with the longest prior exposure to lead, or those with the highest current exposure). Thereafter, the employer must periodically make medical surveillance - both biological monitoring and medical examinations - available to all covered employees.

(D) Biological monitoring under the standard consists of blood lead level (PbB) and zinc protoporphyrin tests at least every six months after the initial PbB test. A zinc protoporphyrin (ZPP) test is a very useful blood test which measures an effect of lead on your body. If a worker's PbB exceeds 40 µg/100g, the monitoring frequency must be increased from every six months to at least every two months and not reduced until two consecutive PbBs indicate a blood lead level below 40 µg/100g. Each time your PbB is determined to be over 40 µg/100g, your employer must notify you of this in writing within five working days of the receipt of the test results. The employer must also inform you that the standard requires temporary medical removal with economic protection when your PbB exceeds certain criteria (see Discussion of Medical Removal Protection - subsection (12)). During the first year of the standard, this removal criterion is 80 µg/100g. Anytime your PbB exceeds 80 µg/100g your employer must make available to you a prompt follow-up PbB test to ascertain your PbB. If the two tests both exceed 80 µg/100g and you are temporarily removed, then your employer must make successive PbB tests available to you on a monthly basis during the period of your removal.

(E) Medical examinations beyond the initial one must be made available on an annual basis if your blood lead levels exceeds 40µg/100g at any time during the preceding year. The initial examination will provide information to establish a baseline to which subsequent data can be compared. An initial medical examination must also be made available (prior to assignment) for each employee being assigned for the first time to an area where the airborne concentration of lead equals or exceeds the action level. In addition, a medical examination or consultation must be made available as soon as possible if you notify your employer that you are experiencing signs or symptoms commonly associated with lead poisoning or that you have difficulty breathing while wearing a respirator or during a respirator fit test. You must also be provided a medical examination or consultation if you notify your employer that you desire medical advice concerning the effects of current or past exposure to lead on your ability to procreate a healthy child.

(F) Finally, appropriate follow-up medical examinations or consultations may also be provided for employees who have been temporarily removed from exposure under the medical removal protection provisions of the standard (see item (ix) below).

(G) The standard specifies the minimum content of preassignment and annual medical examinations. The content of other types of medical examinations and consultations is left up to the sound discretion of the examining physician. Preassignment and annual medical examinations must include (I) a detailed work history and medical history, (II) a thorough physical examination, and (III) a series of laboratory tests designed to check your blood chemistry and your kidney function. In addition, at any time upon your request, a laboratory evaluation of male fertility will be made (microscopic examination of a sperm sample), or a pregnancy test will be given.

(H) The standard does not require that you participate in any of the medical procedures, tests, etc., which your employer is required to make available to you. Medical surveillance can, however, play a very important role in protecting your health. You are strongly encouraged, therefore, to participate in a meaningful fashion. Generally, your employer will choose the physician who conducts medical surveillance under the lead standard - unless you and your employer can agree on the choice of a physician or physicians. Some companies and unions have agreed in advance, for example, to use certain independent medical laboratories or panels of physicians. Any of these arrangements are acceptable so long as required medical surveillance is made available to workers.

(I) The standard requires your employer to provide certain information to a physician to aid in his or her examination of you. This information includes (I) the standard and its appendices, (II) a description of your duties as they relate to lead exposure, (III) your exposure level, (IV) a description of personal protective equipment you wear, (V) prior blood level results, and (VI) prior written medical opinions concerning you that the employer has. After a medical examination or consultation the physician must prepare a written report which must contain (I) the physician's opinion as to whether you have any medical conditions which places you at increased risk of material impairment to health from exposure to lead, (II) any recommended special protective measures to be provided to you, (III) any blood lead level determinations, and (IV) any recommended limitation on your use of respirators. This last element must include a determination of whether you can wear a powered air purifying respirator (PAPR) if you are found unable to wear a negative pressure respirator.

(J) The medical surveillance program of the lead standard may at some point in time serve to notify certain workers that they have acquired a disease or other adverse medical condition as a result of occupational lead exposure. If this is true these workers might have legal rights to compensation from public agencies, their employers, firms that supply hazardous products to their employers, or other persons. Some states have laws, including worker compensation laws, that disallow a worker to learn of a job-related health impairment to sue, unless the worker sues within a short period of time after learning of the impairment. (This period of time may be a matter of months or years.) An attorney can be consulted about these possibilities. It should be stressed that WISHA is in no way trying to either encourage or discourage claims or lawsuits. However, since results of the standard's medical surveillance program can significantly affect the legal remedies of a worker who has acquired a job-related disease or impairment, it is proper for WISHA to make you aware of this.

(K) The medical surveillance section of the standard also contains provisions dealing with chelation. Chelation is the use of certain drugs (administered in pill form or injected into the body) to reduce the amount of lead absorbed in body tissues. Experience accumulated by the medical and scientific communities has largely confirmed the effectiveness of this type of therapy for the treatment of very severe lead poisoning. On the other hand it has also been established that there can be a long list of extremely harmful side effects associated with the use of chelating agents. The medical community has balanced the advantages and disadvantages resulting from the use of chelating agents in various circumstances and has

established when the use of these agents is acceptable. The standard includes these accepted limitations due to a history of abuse of chelation therapy by some lead companies. The most widely used chelating agents are calcium disodium EDTA, (Ca Na_2EDTA), Calcium Disodium Versenate (Versenate), and d-penicillamine (penicillamine or Cupramine).

(L) The standard prohibits "prophylactic chelation" of any employee by any person the employer retains, supervises or controls. "Prophylactic chelation" is the routine use of chelating or similarly acting drugs to prevent elevated blood levels in workers who are occupationally exposed to lead, or the use of these drugs to routinely lower blood lead levels to predesignated concentrations believed to be safe. It should be emphasized that where an employer takes a worker who has no symptoms of lead poisoning and has chelation carried out by a physician (either inside or outside of a hospital) solely to reduce the worker's blood lead level, that will generally be considered prophylactic chelation. The use of a hospital and a physician does not mean that prophylactic chelation is not being performed. Routine chelation to prevent increased or reduce current blood lead levels is unacceptable whatever the setting.

(M) The standard allows the use of "therapeutic" or "diagnostic" chelation if administered under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring. Therapeutic chelation responds to severe lead poisoning where there are marked symptoms. Diagnostic chelation, involves giving a patient a dose of the drug then collecting all urine excreted for some period of time as an aid to the diagnosis of lead poisoning.

(N) In cases where the examining physician determines that chelation is appropriate, you must be notified in writing of this fact before such treatment. This will inform you of a potentially harmful treatment, and allow you to obtain a second opinion.

(ix) Medical removal protection.

(A) Excessive lead absorption subjects you to increased risk of disease. Medical removal protection (MRP) is a means of protecting you when for whatever reasons, other methods, such as engineering controls, work practices, and respirators, have failed to provide the protection you need. MRP involves the temporary removal of a worker from his or her regular job to a place of significantly lower exposure without any loss of earnings, seniority, or other employment rights of benefits. The purpose of this program is to cease further lead absorption and allow your body to naturally excrete lead which has previously been absorbed. Temporary medical removal can result from an elevated blood lead level, or a medical opinion. Up to eighteen months of protection is provided as a result of either form of removal. The vast majority of removed workers, however, will return to their former jobs long before this eighteen month period expires. The standard contains special provisions to deal with the extraordinary but possible case where a long-term worker's blood lead level does not adequately decline during eighteen months of removal.

(B) During the first year of the standard, if your blood lead level is 80 µg/100g or above you must be removed from any exposure where your air lead level without a respirator would be 100 µg/m^3 or above. If you are removed from your normal job you may not be returned until your blood lead level declines to at least 60 µg/100g. These criteria for removal and return will change according to the following schedule:

TABLE 1

Effective Date	Removal Blood Level (µg/100g)	Air Lead (µg/m^3)	Return Blood Lead (µg/100g)
9/6/81	At or above 70	50 or above	At or below 50
9/6/82	At or above 60	30 or above	At or below 40
9/6/84	At or above 50 averaged over six months	30 or above	At or below 40

(C) You may also be removed from exposure even if your blood lead levels are below these criteria if a final medical determination indicates that you temporarily need reduced lead exposure for medical reasons. If the physician who is implementing your employer's medical program makes a final written opinion recommending your removal or other special protective measures, your employer must implement the physician's recommendation. If you are removed in this manner, you may only be returned when the physician indicates it is safe for you to do so.

(D) The standard does not give specific instructions dealing with what an employer must do with a removed worker. Your job assignment upon removal is a matter for you, your employer and your union (if any) to work out consistent with existing procedures for job assignments. Each removal must be accomplished in a manner consistent with existing collective bargaining relationships. Your employer is given broad discretion to implement temporary removals so long as no attempt is made to override existing agreements. Similarly, a removed worker is provided no right to veto an employer's choice which satisfies the standard.

(E) In most cases, employers will likely transfer removed employees to other jobs with sufficiently low lead exposure. Alternatively, a worker's hours may be reduced so that the time weighted average exposure is reduced, or he or she may be temporarily laid off if no other alternative is feasible.

(F) In all of these situations, MRP benefits must be provided during the period of removal - i.e., you continue to receive the same earnings, seniority, and other rights and benefits you would have had if you had not been removed. Earnings include more that just your base wage; it includes overtime, shift differentials, incentives, and other compensation you would have earned if you had not been removed. During the period of removal you must also be provided with appropriate follow-up medical surveillance. If you were removed because your blood lead level was too high, you must be provided with a monthly blood test. If a medical opinion caused your removal, you must be provided medical tests or examinations that the physician believes to be appropriate. If you do not participate in this follow-up medical surveillance, you may lose your eligibility for MRP benefits.

(G) When you are medically eligible to return to your former job, your employer must return you to your "former job status." This means that you are entitled to the position, wages, benefits, etc., you would have had if you had not been removed. If you would still be in your old job if no removal had occurred, that is where you go back. If not, you are

returned consistent with whatever job assignment discretion your employer would have had if no removal had occurred. MRP only seeks to maintain your rights, not expand them or diminish them.

(H) If you are removed under MRP and you are also eligible for worker compensation or other compensation for lost wages, your employer's MRP benefits obligation is reduced by the amount that you actually receive from these other sources. This is also true if you obtain other employment during the time you are laid off with MRP benefits.

(I) The standard also covers situations where an employer voluntarily removes a worker from exposure to lead due to the effects of lead on the employee's medical condition, even though the standard does not require removal. In these situations MRP benefits must still be provided as though the standard required removal. Finally, it is important to note that in all cases where removal is required, respirators cannot be used as a substitute. Respirators may be used before removal becomes necessary, but not as an alternative to a transfer to a low exposure job, or to a lay-off with MRP benefits.

(x) Employee information and training.

(A) Your employer is required to provide an information and training program for all employees exposed to lead above the action level or who may suffer skin or eye irritation from lead. This program must inform these employees of the specific hazards associated with their work environment, protective measures which can be taken, the danger of lead to their bodies (including their reproductive systems), and their rights under the standard. In addition, your employer must make readily available to all employees, including those exposed below the action level, a copy of the standard and its appendices and must distribute to all employees any materials provided to the employer under the Washington Industrial Safety and Health Act (WISHA).

(B) Your employer is required to complete this training for all employees by March 4, 1981. After this date, all new employees must be trained prior to initial assignment to areas where there is possibility of exposure over the action level. This training program must also be provided at least annually thereafter.

(xi) Signs. The standard requires that the following warning sign be posted in work areas where the exposure to lead exceeds the PEL:

WARNING
LEAD WORK AREA
NO SMOKING OR EATING

(xii) Recordkeeping.

(A) Your employer is required to keep all records of exposure monitoring for airborne lead. These records must include the name and job classification of employees measured, details of the sampling and analytic techniques, the results of this sampling and the type of respiratory protection being worn by the person sampled. Your employer is also required to keep all records of biological monitoring and medical examination results. These must include the names of the employees, the physician's written opinion and a copy of the results of the examination. All of the above kinds of records must be kept for 40 years, or for at least 20 years after your termination of employment, whichever is longer.

(B) Recordkeeping is also required if you are temporarily removed from your job under the MRP program. This record must include your name and Social Security number, the date of your removal and return, how the removal was or is being accomplished, and whether or not the reason for the removal was an elevated blood lead level. Your employer is required to keep each medical removal record only for as long as the duration of an employee's employment.

(C) The standard requires that if you request to see or copy environmental monitoring, blood lead level monitoring, or medical removal records, they must be made available to you or to a representative that you authorize. Your union also has access to these records. Medical records other than PbBs must also be provided to you upon request, to your physician or to any other person whom you may specifically designate. Your union does not have access to your personal medical records unless you authorize their access.

(xiii) Observations of monitoring. When air monitoring for lead is performed at your work place as required by this standard, your employer must allow you or someone you designate to act as an observer of the monitoring. Observers are entitled to an explanation of the measurement procedure, and to record the results obtained. Since results will not normally be available at the time of the monitoring, observers are entitled to record or receive the results of the monitoring when returned by the laboratory. Your employer is required to provide the observer with any personal protective devices required to be worn by employees working in the areas that is being monitored. The employer must require the observer to wear all such equipment and to comply with all other applicable safety and health procedures.

(xiv) Effective date. The standard's effective date is September 6, 1980, and the employer's obligation under the standard begin to come into effect as of that date. The standard was originally adopted as WAC 296-62-07349 and later recodified to WAC 296-62-07521.

(c) Appendix C. Medical Surveillance Guidelines.

(i) Introduction.

(A) The primary purpose of the Washington Industrial Safety and Health Act of 1973 is to assure, so far as possible, safe and healthful working conditions for every working man and woman. The occupational health standard for inorganic lead* was promulgated to protect workers exposed to inorganic lead including metallic lead, all inorganic lead compounds and organic lead soaps.

*The term inorganic lead used throughout the medical surveillance appendices is meant to be synonymous with the definition of lead set forth in the standard.

(B) Under this final standard in effect as of September 6, 1980, occupational exposure to inorganic lead is to be limited to 50 $\mu g/m^3$ (micrograms per cubic meter) based on an eight-hour time-weighted average (TWA). This level of exposure eventually must be achieved through a combination of engineering, work practice and other administrative controls. Periods of time ranging from one to ten years are provided for different industries to implement these controls which are based on individual industry considerations. Until these controls are in place, respirators must be used to meet the 50 $\mu g/m^3$ exposure limit.

(C) The standard also provides for a program of biological monitoring and medical surveillance for all employees exposed to levels of inorganic lead above the action level of 30 μg/m³ for more than thirty days per year.

(D) The purpose of this document is to outline the medical surveillance provisions of the standard for inorganic lead, and to provide further information to the physician regarding the examination and evaluation of workers exposed to inorganic lead.

(E) Item (ii) provides a detailed description of the monitoring procedure including the required frequency of blood testing for exposed workers, provisions for medical removal protection (MRP), the recommended right of the employee to a second medical opinion, and notification and recordkeeping requirements of the employer. A discussion of the requirements for respirator use and respirator monitoring and WISHA's position on prophylactic chelation therapy are also included in this section.

(F) Item (iii) discusses the toxic effects and clinical manifestations of lead poisoning and effects of lead intoxication on enzymatic pathways in heme synthesis. The adverse effects on both male and female reproductive capacity and on the fetus are also discussed.

(G) Item (iv) outlines the recommended medical evaluation of the worker exposed to inorganic lead including details of the medical history, physical examination, and recommended laboratory tests, which are based on the toxic effects of lead as discussed in item (ii).

(H) Item (v) provides detailed information concerning the laboratory tests available for the monitoring of exposed workers. Included also is a discussion of the relative value of each test and the limitations and precautions which are necessary in the interpretation of the laboratory results.

(I) Airborne levels to be achieved without reliance or respirator protection through a combination of engineering and work practice or other administrative controls are illustrated in the following table:

Industry	Permissible Lead Level/Compliance Date		
	200μg/m³	100μg/m³	50μg/m³
Primary Lead Production	1973	06/29/84	06/29/91
Secondary Lead Production	1973	06/29/84	06/29/91
Lead Acid Battery Manufacturing	1973	06/29/83	06/29/91
Automobile Mfg./Solder, Grinding	1973	N/A	03/08/97
Electronics, Gray Iron Foundries, Ink Mfg., Paints and Coatings Mfg., Can Mfg., Wallpaper Mfg., and Printing.	1973	N/A	06/29/91
Lead Chemical Mfg., Nonferrous Foundries, Leaded Steel Mfg., Battery Breaking in the Collection and Processing of Scrap (when not a part of secondary lead smelter) Secondary Copper Smelter, Brass and Bronze Ingot Production.	1973	N/A	N/A[1]*
All Other Industries	1973	N/A	09/08/92

* Feasibility of achieving the PEL by engineering and work practice controls for these industries has yet to be resolved in court, therefore no date has been scheduled.

(ii) Medical surveillance and monitoring requirements for workers exposed to inorganic lead.

(A) Under the occupational health standard for inorganic lead, a program of biological monitoring and medical surveillance is to be made available to all employees exposed to lead above the action level of 30 μg/m³ TWA for more than thirty days each year. This program consists of periodic blood sampling and medical evaluation to be performed on a schedule which is defined by previous laboratory results, worker complaints or concerns, and the clinical assessment of the examining physician.

(B) Under this program, the blood lead level of all employees who are exposed to lead above the action level of 30 μg/m³ is to be determined at least every six months. The frequency is increased to every two months for employees whose last blood lead level was between 40μg/100g whole blood and the level requiring employee medical removal to be discussed below. For employees who are removed from exposure to lead due to an elevated blood lead, a new blood lead level must be measured monthly. Zinc protoporphyrin (ZPP) measurement is required on each occasion that a blood lead level measurement is made.

(C) An annual medical examination and consultation performed under the guidelines discussed in item (iv) is to be made available to each employee for whom a blood test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 μg/100g. Also, an examination is to be given to all employees prior to their assignment to an area in which airborne lead concentrations reach or exceed the action level. In addition, a medical examination must be provided as soon as possible after notification by an employee that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice regarding lead exposure and the ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during respirator use. An examination is also to be made available to each employee removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited or specially protected pursuant to medical recommendations.

(D) Results of biological monitoring or the recommendations of an examining physician may necessitate removal of an employee from further lead exposure pursuant to the standard's medical removal program (MRP). The object of the MRP program is to provide temporary medical removals to workers either with substantially elevated blood lead levels or otherwise at risk of sustaining material health impairment from continued substantial exposure to lead. The following guidelines which are summarized in Table 10 were created under the standard for the temporary removal of an exposed employee and his or her subsequent return to work in an exposure area.

TABLE 10

		EFFECTIVE DATE				
		Sept. 6, 1980	Sept. 6, 1981	Sept. 6, 1982	Sept. 6, 1983	Sept. 6, 1984
A.	Blood lead level requiring employee medical removal (level must be confirmed with second follow-up blood lead level within two weeks of first report).	>80 μg/100g.	>70 μg/100g.	>60 μg/100g.	>60 μg/100g.	>60 μg/100g or average of last three blood samples or all blood samples over previous 6 months (whichever is over a longer time period) is 50 μg/100g. or greater unless last sample is 40 μg/100g or less.
B.	Frequency which employees exposed is action level of lead (30 μg/m[8] TWA) must have blood lead level checked. (ZPP is also required in each occasion that a blood test is obtained):					
	1. Last blood lead level less than 40 μg/100g	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.	Every 6 months.
	2. Last blood lead level between 40 μg/100g and level requiring medical removal (see A above)	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.	Every 2 months.
	3. Employees removed from exposure to lead because of an elevated blood lead level.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.	Every 1 month.
C.	Permissible airborne exposure limit for workers removed from work due to an elevated blood lead level (without regard to respirator protection).	100 μg/m^3 8 hr TWA	50 μg/m^3 8 hr TWA	30 μg/m^3 8 hr TWA	30 μg/m^3 8 hr TWA	30 μg/m^3 8 hr TWA
D.	Blood lead level confirmed with a second blood analysis, at which employee may return to work. Permissible exposure without regard to respirator protection is listed by industry in Table 1.	60 μg/100g	50 μg/100g	40 μg/100g	40 μg/100g	40 μg/100g

Note: Where medical opinion indicates that an employee is at risk of material impairment from exposure to lead, the physician can remove an employee from exposure exceeding the action level (or less) or recommend special protective measures as deemed appropriate and necessary. Medical monitoring during the medical removal period can be more stringent than noted in the table above if the physician so specifies. Return to work or removal of limitations and special protections is permitted when the physician indicates that the worker is no longer at risk of material impairment.

(E) Under the standard's ultimate worker removal criteria, a worker is to be removed from any work having any eight-hour TWA exposure to lead of 30 μg/m^3 or more whenever either of the following circumstances apply. (I) a blood lead level of 60 μg/100g or greater is obtained and confirmed by a second follow-up blood lead level performed within two weeks after the employer receives the results of the first blood sample test, or (II) the average of the previous three blood lead determinations or the average of all blood lead determinations conducted during the previous six months, whichever encompasses the longest time period, equals or exceeds 50 μg/100g, unless the last blood sample indicates a blood lead level at or below 40 μg/100g, in which case the employee need not be removed. Medical removal is to continue until two consecutive blood lead levels are 40 μg/100g or less.

(F) During the first two years that the ultimate removal criteria are being phased in, the return criteria have been set to assure that a worker's blood lead level has substantially declined during the period of removal. From March 1, 1979, to March 1, 1980, the blood lead level requiring employee medical removal is 80 μg/100g. Workers found to have a confirmed blood lead at this level or greater need only be removed from work having a daily eight hour TWA exposure to lead at or above 100 μg/m^3. Workers so removed are to be returned to work when their blood lead levels are at or below 60 μg/100g of whole blood. From March 1, 1980, to March 1, 1981, the blood lead level requiring medical removal is 70 μg/100g. During this period workers need only be removed from jobs having a daily eight hour TWA exposure to lead at or above 50 μg/m^3 and are to be returned to work when a level of 50 μg/100g is achieved. Beginning March 1, 1981, return depends on the worker's blood lead level declining to 40 μg/100g of whole blood.

(G) As part of the standard, the employer is required to notify in writing each employee whose whole blood lead level exceeds 40 μg/100g. In addition, each such employee is to be informed that the standard requires medical removal with MRP benefits, discussed below, when an employee's blood lead level exceeds the above defined limits.

(H) In addition to the above blood lead level criteria, temporary worker removal may also take place as a result of medical determinations and recommendations. Written medical opinions must be prepared after each examination pursu-

ant to the standard. If the examining physician includes medical finding, determination or opinion that the employee has a medical condition which places the employee at increased risk of material health impairment from exposure to lead, then the employee must be removed from exposure to lead at or above the action level. Alternatively, if the examining physician recommends special protective measures for an employee (e.g., use of a powered air purifying respirator) or recommends limitations on an employee's exposure to lead, then the employer must implement these recommendations. Recommendations may be more stringent than the specific provisions of the standard. The examining physician, therefore, is given broad flexibility to tailor special protective procedures to the needs of individual employees. This flexibility extends to the evaluation and management of pregnant workers and male and female workers who are planning to conceive children. Based on the history, physical examination, and laboratory studies, the physician might recommend special protective measures or medical removal for an employee who is pregnant or who is planning to conceive a child when, in the physician's judgment, continued exposure to lead at the current job would pose a significant risk. The return of the employee to his or her former job status, or the removal of special protections or limitations, depends upon the examining physician determining that the employee is no longer at increased risk of material impairment or that the special measures are no longer needed.

(I) During the period of any form of special protection or removal, the employer must maintain the worker's earnings, seniority, and other employment rights and benefits (as though the worker has not been removed) for a period of up to eighteen months. This economic protection will maximize meaningful worker participation in the medical surveillance program, and is appropriate as part of the employer's overall obligation to provide a safe and healthful work place. The provisions of MRP benefits during the employee's removal period may, however, be conditioned upon participation in medical surveillance.

(J) On rare occasions, an employee's blood lead level may not acceptably decline within eighteen months of removal. This situation will arise only in unusual circumstances, thus the standard relies on an individual medical examination to determine how to protect such an employee. This medical determination is to be based on both laboratory values, including lead levels, zinc protoporphyrin levels, blood counts, and other tests felt to be warranted, as well as the physician's judgment that any symptoms or findings on physical examination are a result of lead toxicity. The medical determination may be that the employee is incapable of ever safely returning to his or her former job status. The medical determination may provide additional removal time past eighteen months for some employees or specify special protective measures to be implemented.

(K) The lead standard provides for a multiple physician review in cases where the employee wishes a second opinion concerning potential lead poisoning or toxicity. If an employee wishes a second opinion, he or she can make an appointment with a physician of his or her choice. This second physician will review the findings, recommendations or determinations of the first physician and conduct any examinations, consultations or tests deemed necessary in an attempt to make a final medical determination. If the first and second physicians do not agree in their assessment they must try to resolve their differences. If they cannot reach an agreement then they must designate a third physician to resolve the dispute.

(L) The employer must provide examining and consulting physicians with the following specific information: A copy of the lead regulations and all appendices, a description of the employee's duties as related to exposure, the exposure level to lead and any other toxic substances (if applicable), a description of personal protective equipment used, blood lead levels, and all prior written medical opinions regarding the employee in the employer's possession or control. The employer must also obtain from the physician and provide the employee with a written medical opinion containing blood lead levels, the physician's opinion as to whether the employee is at risk of material impairment to health, any recommended protective measures for the employee if further exposure is permitted, as well as any recommended limitations upon an employee's use of respirators.

(M) Employers must instruct each physician not to reveal to the employer in writing or in any other way his or her findings, laboratory results, or diagnoses which are felt to be unrelated to occupational lead exposure. They must also instruct each physician to advise the employee of any occupationally or nonoccupationally related medical condition requiring further treatment or evaluation.

(N) The standard provides for the use of respirators when engineering and other primary controls have not been fully implemented. However, the use of respirator protection shall not be used in lieu of temporary medical removal due to elevated blood lead levels or findings that an employee is at risk of material health impairment. This is based on the numerous inadequacies of respirators including skin rash where the facepiece makes contact with the skin, unacceptable stress to breathing in some workers with underlying cardiopulmonary impairment, difficulty in providing adequate fit, the tendency for respirators to create additional hazards by interfering with vision, hearing, and mobility, and the difficulties of assuring the maximum effectiveness of a complicated work practice program involving respirators. Respirators do, however, serve a useful function where engineering and work practice are inadequate by providing interim or short-term protection, provided they are properly selected for the environment in which the employee will be working, properly fitted to the employee, maintained and cleaned periodically, and worn by the employee when required.

(O) In its final standard on occupational exposure to inorganic lead, WISHA has prohibited prophylactic chelation. Diagnostic and therapeutic chelation are permitted only under the supervision of a licensed physician with appropriate medical monitoring in an acceptable clinical setting. The decision to initiate chelation therapy must be made on an individual basis and take into account the severity of symptoms felt to be a result of lead toxicity along with blood lead levels, ZPP levels and other laboratory tests as appropriate. EDTA and penicillamine, which are the primary chelating agents used in the therapy of occupational lead poisoning, have significant potential side effects and their use must be justified on the basis of expected benefits to the worker.

(P) Unless frank and severe symptoms are present, therapeutic chelation is not recommended given the opportunity to remove a worker from exposure and allow the body to naturally excrete accumulated lead. As a diagnostic aid, the chelation mobilization test using CA-EDTA has limited applicability. According to some investigators, the tests can differentiate between lead-induced and other nephropathies. The test may also provide an estimation of the mobile fraction of the total body lead burden.

(Q) Employers are required to assure that accurate records are maintained on exposure monitoring, medical surveillance, and medical removal for each employee. Exposure monitoring and medical surveillance records must be kept for forty years or the duration of employment plus twenty years, whichever is longer, while medical removal records must be maintained for the duration of employment. All records required under the standard must be made available upon request to representatives of the director of the department of labor and industries. Employers must also make environmental and biological monitoring and medical removal records available to affected employees and to former employees or their authorized employee representatives. Employees or their specifically designated representatives have access to their entire medical surveillance records.

(R) In addition, the standard requires that the employer inform all workers exposed to lead at or above the action level of the provisions of the standard and all its appendices, the purpose and description of medical surveillance and provisions for medical removal protection if temporary removal is required. An understanding of the potential health effects of lead exposure by all exposed employees along with full understanding of their rights under the lead standard is essential for an effective monitoring program.

(iii) Adverse health effects of inorganic lead.

(A) Although the toxicity of lead has been known for 2,000 years, the knowledge of the complex relationship between lead exposure and human response is still being refined. Significant research into the toxic properties of lead continues throughout the world, and it should be anticipated that our understanding of thresholds of effects and margins of safety will be improved in future years. The provisions of the lead standard are founded on two prime medical judgments; first, the prevention of adverse health effects from exposure to lead throughout a working lifetime requires that worker blood lead levels be maintained at or below 40 μg/100g, and second, the blood lead levels of workers, male or female, who intend to parent in the near future should be maintained below 30 μg/100g to minimize adverse reproduction health effects to the parent and developing fetus. The adverse effects of lead on reproduction are being actively researched and WISHA encourages the physician to remain abreast of recent developments in the area to best advise pregnant workers or workers planning to conceive children.

(B) The spectrum of health effects caused by lead exposure can be subdivided into five developmental states; normal, physiological changes of uncertain significance, pathophysiological changes, overt symptoms (morbidity), and mortality. Within this process there are no sharp distinctions, but rather a continuum of effects. Boundaries between categories overlap due to the wide variation of individual responses and exposures in the working population. WISHA's development of the lead standard focused on pathophysiological changes as well as later stages of disease.

(I) Heme synthesis inhibition.

a) The earliest demonstrated effect of lead involves its ability to inhibit at least two enzymes of the heme synthesis pathway at very low blood levels. Inhibition of delta aminolevulinic acid dehydrase (ALA-D) which catalyzes the conversion of delta-aminolevulinic acid (ALA) to protoporphyrin is observed at a blood lead level below 20μg/100g whole blood. At a blood lead level of 40 μg/100g, more than twenty percent of the population would have seventy percent inhibition of ALA-D. There is an exponential increase in ALA excretion at blood lead levels greater than 40 μg/100g.

b) Another enzyme, ferrochelatase, is also inhibited at low blood lead levels. Inhibition of ferrochelatase leads to increased free erythrocyte protoporphyrin (FEP) in the blood which can then bind to zinc to yield zinc protoporphyrin. At a blood lead level of 50 μg/100g or greater, nearly 100 percent of the population will have an increase FEP. There is also an exponential relationship between blood lead levels greater than 40 μg/100g and the associated ZPP level, which has led to the development of the ZPP screening test for lead exposure.

c) While the significance of these effects is subject to debate, it is WISHA's position that these enzyme disturbances are early stages of a disease process which may eventually result in the clinical symptoms of lead poisoning. Whether or not the effects do progress to the later stages of clinical disease, disruption of these enzyme processes over a working lifetime is considered to be a material impairment of health.

d) One of the eventual results of lead-induced inhibition of enzymes in the heme synthesis pathway is anemia which can be asymptomatic if mild but associated with a wide array of symptoms including dizziness, fatigue, and tachycardia when more severe. Studies have indicated that lead levels as low as 50 μg/100g can be associated with a definite decreased hemoglobin, although most cases of lead-induced anemia, as well as shortened red-cell survival times, occur at lead levels exceeding 80 μg/100g. Inhibited hemoglobin synthesis is more common in chronic cases whereas shortened erythrocyte life span is more common in acute cases.

e) In lead-induced anemias, there is usually a reticulocytosis along with the presence of basophilic stippling, and ringed sideroblasts, although none of the above are pathognomonic for lead-induced anemia.

(II) Neurological effects.

a) Inorganic lead had been found to have toxic effects on both the central and peripheral nervous systems. The earliest stage of lead-induced central nervous system effects first manifest themselves in the form of behavioral disturbances and central nervous system symptoms including irritability, restlessness, insomnia and other sleep disturbances, fatigue, vertigo, headache, poor memory, tremor, depression, and apathy. With more severe exposure, symptoms can progress to drowsiness, stupor, hallucinations, delirium, convulsions and coma.

b) The most severe and acute form of lead poisoning which usually follows ingestion or inhalation of large

amounts of lead is acute encephalopathy which may arise precipitously with the onset of intractable seizures, coma, cardiorespiratory arrest, and death within 48 hours.

c) While there is disagreement about what exposure levels are needed to produce the earliest symptoms, most experts agree that symptoms definitely can occur at blood lead levels of 60 μg/100g whole blood and therefore recommend a 40 μg/100g maximum. The central nervous system effects frequently are not reversible following discontinued exposure or chelation therapy and when improvement does occur, it is almost always only partial.

d) The peripheral neuropathy resulting from lead exposure characteristically involves only motor function with minimal sensory damage and has a marked predilection for the extensor muscles of the most active extremity. The peripheral neuropathy can occur with varying degrees of severity. The earliest and mildest form which can be detected in workers with blood lead levels as low as 50 μg/100g is manifested by slowing or motor nerve conduction velocity often without clinical symptoms. With progression of the neuropathy there is development of painless extensor muscle weakness usually involving the extensor muscles of the fingers and hand in the most active upper extremity, followed in severe cases by wrist drop, much less commonly, foot drop.

e) In addition to slowing of nerve conduction, electromyographical studies in patients with blood lead levels greater than 50 μg/100g have demonstrated a decrease in the number of acting motor unit potentials, an increase in the duration of motor unit potentials, and spontaneous pathological activity including fibrillations and fasciculation. Whether these effects occur at levels of 40 μg/100g is undetermined.

f) While the peripheral neuropathies can occasionally be reversed with therapy, again such recovery is not assured particularly in the more severe neuropathies and often improvement is only partial. The lack of reversibility is felt to be due in part to segmental demyelination.

(III) Gastrointestinal. Lead may also effect the gastrointestinal system producing abdominal colic or diffuse abdominal pain, constipation, obstipation, diarrhea, anorexia, nausea and vomiting. Lead colic rarely develops at blood lead levels below 80 μg/100g.

(IV) Renal.

a) Renal toxicity represents one of the most serious health effects of lead poisoning. In the early stages of disease nuclear inclusion bodies can frequently be identified in proximal renal tubular cells. Renal functions remain normal and the changes in this stage are probably reversible. With more advanced disease there is progressive interstitial fibrosis and impaired renal function. Eventually extensive interstitial fibrosis ensues with sclerotic glomeruli and dilated and atrophied proximal tubules; all represent end stage kidney disease. Azotemia can be progressive, eventually resulting in frank uremia necessitating dialysis. There is occasionally associated hypertension and hyperuricemia with or without gout.

b) Early kidney disease is difficult to detect. The urinalysis is normal in early lead nephropathy and the blood urea nitrogen and serum creatinine increase only when two-thirds of kidney function is lost. Measurement of creatinine clearance can often detect earlier disease as can other methods of measurement of glomerular filtration rate. An abnormal Ca-EDTA mobilization test has been used to differentiate between lead-induced and other nephropathies, but this procedure is not widely accepted. A form of Fanconi syndrome with aminoaciduria, glycosuria, and hyperphosphaturia indicating severe injury to the proximal renal tubules is occasionally seen in children.

(V) Reproductive effects.

a) Exposure to lead can have serious effects on reproductive function in both males and females. In male workers exposed to lead there can be a decrease in sexual drive, impotence, decreased ability to produce healthy sperm, and sterility. Malformed sperm (teratospermia), decreased number of sperm (hypospermia), and sperm with decreased motility (asthenospermia) can occur. Teratospermia has been noted at mean blood lead levels of 53 μg/100g and hypospermia and asthenospermia at 41 μg/100g. Furthermore, there appears to be a dose-response relationship for teratospermia in lead exposed workers.

b) Women exposed to lead may experience menstrual disturbances including dysmenorrhea, menorrhagia and amenorrhea. Following exposure to lead, women have a higher frequency of sterility, premature births, spontaneous miscarriages, and stillbirths.

c) Germ cells can be affected by lead and cause genetic damage in the egg or sperm cells before conception and result in failure to implant, miscarriage, stillbirth, or birth defects.

d) Infants of mothers with lead poisoning have a higher mortality during the first year and suffer from lowered birth weights, slower growth, and nervous system disorders.

e) Lead can pass through the placental barrier and lead levels in the mother's blood are comparable to concentrations of lead in the umbilical cord at birth. Transplacental passage becomes detectable at 12-14 weeks of gestation and increases until birth.

f) There is little direct data on damage to the fetus from exposure to lead but it is generally assumed that the fetus and newborn would be at least as susceptible to neurological damage as young children. Blood lead levels of 50-60 μg/100g in children can cause significant neurobehavioral impairments, and there is evidence of hyperactivity at blood levels as low as 25 μg/100g. Given the overall body of literature concerning the adverse health effects of lead in children, WISHA feels that the blood lead level in children should be maintained below 30 μg/100g with a population mean of 15 μg/100g. Blood lead levels in the fetus and newborn likewise should not exceed 30 μg/100g.

g) Because of lead's ability to pass through the placental barrier and also because of the demonstrated adverse effects of lead on reproductive function in both males and females as well as the risk of genetic damage of lead on both the ovum and sperm, WISHA recommends a 30 μg/100g maximum permissible blood lead level in both males and females who wish to bear children.

(IV) Other toxic effects.

a) Debate and research continue on the effects of lead on the human body. Hypertension has frequently been noted in occupationally exposed individuals although it is difficult to assess whether this is due to lead's adverse effects on the kidneys or if some other mechanism is involved.

b) Vascular and electrocardiographic changes have been detected but have not been well characterized. Lead is thought to impair thyroid function and interfere with the pituitary-adrenal axis, but again these effects have not been well defined.

(iv) Medical evaluation.

(A) The most important principle in evaluating a worker for any occupational disease including lead poisoning is a high index of suspicion on the part of the examining physician. As discussed in Section (ii), lead can affect numerous organ systems and produce a wide array of signs and symptoms, most of which are nonspecific and subtle in nature at least in the early stages of disease. Unless serious concern for lead toxicity is present, many of the early clues to diagnosis may easily be overlooked.

(B) The crucial initial step in the medical evaluation is recognizing that a worker's employment can result in exposure to lead. The worker will frequently be able to define exposures to lead and lead-containing materials but often will not volunteer this information unless specifically asked. In other situations the worker may not know of any exposures to lead but the suspicion might be raised on the part of the physician because of the industry or occupation of the worker. Potential occupational exposure to lead and its compounds occur in at least 120 occupations, including lead smelting, the manufacture of lead storage batteries, the manufacture of lead pigments and products containing pigments, solder manufacture, shipbuilding and ship repair, auto manufacturing, construction, and painting.

(C) Once the possibility for lead exposure is raised, the focus can then be directed toward eliciting information from the medical history, physical exam, and finally from laboratory data to evaluate the worker for potential lead toxicity.

(D) A complete and detailed work history is important in the initial evaluation. A listing of all previous employment with information on work processes, exposure to fumes or dust, known exposures to lead or other toxic substances, respiratory protection used, and previous medical surveillance should all be included in the worker's record. Where exposure to lead is suspected, information concerning on-the-job personal hygiene, smoking or eating habits in work areas, laundry procedures, and use of any protective clothing or respiratory protection equipment should be noted. A complete work history is essential in the medical evaluation of a worker with suspected lead toxicity, especially when long-term effects such as neurotoxicity and nephrotoxicity are considered.

(E) The medical history is also of fundamental importance and should include a listing of all past and current medical conditions, current medications including proprietary drug intake, previous surgeries and hospitalizations, allergies, smoking history, alcohol consumption, and also nonoccupational lead exposures such as hobbies (hunting, riflery). Also known childhood exposures should be elicited. Any previous history of hematological, neurological, gastrointestinal, renal, psychological, gynecological, genetic, or reproductive problems should be specifically noted.

(F) A careful and complete review of systems must be performed to assess both recognized complaints and subtle or slowly acquired symptoms which the worker might not appreciate as being significant. The review of symptoms should include the following:

General	- weight loss, fatigue, decreased appetite.
Head, Eyes, Ears, Nose, Throat (HEENT)	- headaches, visual disturbance or decreased visual acuity, hearing deficits or tinnitus, pigmentation of the oral mucosa, or metallic taste in mouth.
Cardiopulmonary	- shortness of breath, cough, chest pains, palpitations, or orthopnea.
Gastrointestinal	- nausea, vomiting, heartburn, abdominal pain, constipation or diarrhea.
Neurologic	- irritability, insomnia, weakness (fatigue), dizziness, loss of memory, confusion, hallucinations, incoordination, ataxia, decreased strength in hands or feet, disturbance in gait, difficulty in climbing stairs, or seizures.
Hematologic	- pallor, easy fatigability, abnormal blood loss, melena.
Reproductive (male or female and spouse where relevant)	- history of infertility, impotence, loss of libido, abnormal menstrual periods, history of miscarriages, stillbirths, or children with birth defects.
Musculoskeletal	- muscle and joint pains.

(G) The physical examination should emphasize the neurological, gastrointestinal, and cardiovascular systems. The worker's weight and blood pressure should be recorded and the oral mucosa checked for pigmentation characteristic of a possible Burtonian or lead line on the gingiva. It should be noted, however, that the lead line may not be present even in severe lead poisoning if good oral hygiene is practiced.

(H) The presence of pallor on skin examination may indicate an anemia, which if severe might also be associated with a tachycardia. If an anemia is suspected, an active search for blood loss should be undertaken including potential blood loss through the gastrointestinal tract.

(I) A complete neurological examination should include an adequate mental status evaluation including a search for behavioral and psychological disturbances, memory testing, evaluation for irritability, insomnia, hallucinations, and mental clouding. Gait and coordination should be examined along with close observation for tremor. A detailed evaluation of peripheral nerve function including careful sensory and motor function testing is warranted. Strength testing particularly of extensor muscle groups of all extremities is of fundamental importance.

(J) Cranial nerve evaluation should also be included in the routine examination.

(K) The abdominal examination should include auscultation for bowel sounds and abnormal bruits and palpation for organomegaly, masses, and diffuse abdominal tenderness.

(L) Cardiovascular examination should evaluate possible early signs of congestive heart failure. Pulmonary status should be addressed particularly if respirator protection is contemplated.

(M) As part of the medical evaluation, the lead standard requires the following laboratory studies.

(I) Blood lead level.

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of the peripheral blood smear to evaluate red blood cell morphology.

(III) Blood urea nitrogen.

(IV) Serum creatinine.

(V) Routine urinalysis with microscopic examination.

(VI) A zinc protoporphyrin level.

(N) In addition to the above, the physician is authorized to order any further laboratory or other tests which he or she deems necessary in accordance with sound medical practice. The evaluation must also include pregnancy testing or laboratory evaluation of male fertility if requested by the employee.

(O) Additional tests which are probably not warranted on a routine basis but may be appropriate when blood lead and ZPP levels are equivocal include delta aminolevulinic acid and coproporphyrin concentrations in the urine, and dark-field illumination for detection of basophilic stippling in red blood cells.

(P) If an anemia is detected further studies including a careful examination of the peripheral smear, reticulocyte count, stool for occult blood, serum iron, total iron binding capacity, bilirubin, and, if appropriate vitamin B12 and folate may be of value in attempting to identify the cause of the anemia.

(Q) If a peripheral neuropathy is suspected, nerve conduction studies are warranted both for diagnosis and as a basis to monitor any therapy.

(R) If renal disease is questioned, a 24-hour urine collection for creatinine clearance, protein, and electrolytes may be indicated. Elevated uric acid levels may result from lead-induced renal disease and a serum uric acid level might be performed.

(S) An electrocardiogram and chest X ray may be obtained as deemed appropriate.

(T) Sophisticated and highly specialized testing should not be done routinely and where indicated should be under the direction of a specialist.

(v) Laboratory evaluation.

(A) The blood level at present remains the single most important test to monitor lead exposure and is the test used in the medical surveillance program under the lead standard to guide employee medical removal. The ZPP has several advantages over the blood lead level. Because of its relatively recent development and the lack of extensive data concerning its interpretation, the ZPP currently remains an ancillary test.

(B) This section will discuss the blood lead level and ZPP in detail and will outline their relative advantages and disadvantages. Other blood tests currently available to evaluate lead exposure will also be reviewed.

(C) The blood lead level is a good index of current or recent lead absorption when there is no anemia present and when the worker has not taken any chelating agents. However, blood lead levels along with urinary lead levels do not necessarily indicate the total body burden of lead and are not adequate measures of past exposure. One reason for this is that lead has a high affinity for bone and up to 90 percent of the body's total lead is deposited there. A very important component of the total lead body burden is lead in soft tissue (liver, kidneys, and brain). This fraction of the lead body burden, the biologically active lead, is not entirely reflected by blood lead levels since it is a function of the dynamics of lead absorption, distribution, deposition in bone and excretion. Following discontinuation of exposure to lead, the excess body burden is only slowly mobilized from bone and other relatively stable stores and excreted. Consequently, a high blood lead level may only represent recent heavy exposure to lead without a significant total body excess and likewise a low blood lead level does not exclude an elevated total body burden of lead.

(D) Also due to its correlation with recent exposures, the blood lead level may vary considerably over short time intervals.

(E) To minimize laboratory error and erroneous results due to contamination, blood specimens must be carefully collected after thorough cleaning of the skin with appropriate methods using lead-free containers and analyzed by a reliable laboratory. Under the standard, samples must be analyzed in laboratories which are approved by the Center for Disease Control (CDC) or which have received satisfactory grades in proficiency testing by the CDC in the previous year. Analysis is to be made using atomic absorption spectrophotometry anodic stripping; voltammetry or any method which meets the accuracy requirements set forth by the standard.

(F) The determination of lead in urine is generally considered a less reliable monitoring technique than analysis of whole blood primarily due to individual variability in urinary excretion capacity as well as the technical difficulty of obtaining accurate 24-hour urine collections. In addition, workers with renal insufficiency, whether due to lead or some other cause, may have decreased lead clearance and consequently urine lead levels may underestimate the true lead burden. Therefore, urine lead levels should not be used as a routine test.

(G) The zinc protoporphyrin test, unlike the blood lead determination, measures an adverse metabolic effect of lead and as such is a better indicator of lead toxicity than the level of blood lead itself. The level of ZPP reflects lead absorption over the preceding three to four months, and therefore is a better indicator of lead body burden. The ZPP requires more time than the blood lead to read significantly elevated levels; the return to normal after discontinuing lead exposure is also slower. Furthermore, the ZPP test is simpler, faster, and less expensive to perform and no contamination is possible. Many investigators believe it is the most reliable means of monitoring chronic lead absorption.

(H) Zinc protoporphyrin results from the inhibition of the enzyme ferrochelatase which catalyzes the insertion of an iron molecule into the protoporphyrin molecule, which then becomes heme. If iron is not inserted into the molecule then zinc, having a greater affinity for protoporphyrin, takes place in the iron, forming ZPP.

(I) An elevation in the level of circulating ZPP may occur at blood lead levels as low as 20-30 μg/100g in some workers. Once the blood lead level has reached 40 μg/100g there is more marked rise in the ZPP value from its normal range of less than 100 μg/100ml. Increases in blood lead levels beyond 40 μg/100g are associated with exponential increases in ZPP.

(J) Whereas blood lead levels fluctuate over short time spans, ZPP levels remain relatively stable. ZPP is measured directly in red blood cells and is present for the cell's entire 120 day lifespan. Therefore, the ZPP level in blood reflects the average ZPP production over the previous three to four months and consequently the average lead exposure during that time interval.

(K) It is recommended that a hematocrit be determined whenever a confirmed ZPP of 50 μg/100ml whole blood is obtained to rule out a significant underlying anemia. If the ZPP is in excess of 100 μg/100ml and not associated with abnormal elevations in blood lead levels, the laboratory should be checked to be sure the blood leads were determined using atomic absorption spectrophotometry, anodic stripping voltammetry or any method which meets the accuracy requirements set forth by the standard, by a CDC approved laboratory which is experienced in lead level determinations. Repeat periodic blood lead studies should be obtained in all individuals with elevated ZPP levels to be certain that an associated elevated blood lead level has not been missed due to transient fluctuations in blood leads.

(L) ZPP has characteristic fluorescence spectrum with a peak at 594nm which is detectable with a hematofluorimeter. The hematofluorimeter is accurate and portable and can provide on-site, instantaneous results for workers who can be frequently tested via a finger prick.

(M) However, careful attention must be given to calibration and quality control procedures. Limited data on blood lead -ZPP correlations and the ZPP levels which are associated with the adverse health effects discussed in item (ii) are the major limitations of the test. Also it is difficult to correlate ZPP levels with environmental exposure and there is some variation of response with age and sex. Nevertheless, the ZPP promises to be an important diagnostic test for the early detection of lead toxicity and its value will increase as more data is collected regarding its relationship to other manifestations of lead poisoning.

(N) Levels of delta-aminolevulinic acid (ALA) in the urine are also used as a measure of lead exposure. Increasing concentrations of ALA are believed to result from the inhibition of the enzyme delta-aminolevulinic acid dehydrase (ALA-D). Although the test is relatively easy to perform, inexpensive, and rapid, the disadvantages include variability in results, the necessity to collect a complete 24 hour urine sample which has a specific gravity greater than 1.010, and also the fact that ALA decomposes in the presence of light.

(O) The pattern of porphyrin excretion in the urine can also be helpful in identifying lead intoxication. With lead poisoning, the urine concentrations of coproporphyrins I and II, porphobilinogen and uroporphyrin I rise. The most important increase, however, is that of coproporphyrin III; levels may exceed 5,000 μg/1 in the urine in lead poisoned individuals, but its correlation with blood lead levels and ZPP are not as good as those of ALA. Increases in urinary porphyrins are not diagnostic of lead toxicity and may be seen in porphyria, some liver diseases, and in patients with high reticulocyte counts.

(vi) Summary.

(A) The WISHA standard for inorganic lead places significant emphasis on the medical surveillance of all workers exposed to levels of inorganic lead above the action level of 30 $\mu g/m^3$ TWA. The physician has a fundamental role in this surveillance program, and in the operation of the medical removal protection program.

(B) Even with adequate worker education on the adverse health effects of lead and appropriate training in work practices, personal hygiene and other control measures, the physician has a primary responsibility for evaluating potential lead toxicity in the worker. It is only through a careful and detailed medical and work history, a complete physical examination and appropriate laboratory testing that an accurate assessment can be made. Many of the adverse health effects of lead toxicity are either irreversible or only partially reversible and therefore early detection of disease is very important.

(C) This document outlines the medical monitoring program as defined by the occupational safety and health standard for inorganic lead. It reviews the adverse health effects of lead poisoning and describes the important elements of the history and physical examinations as they relate to these adverse effects.

(D) It is hoped that this review and discussion will give the physician a better understanding of the WISHA standard with the ultimate goal of protecting the health and well-being of the worker exposed to lead under his or her care.

(d) Appendix D. Recommendations to employers concerning high-risk tasks (nonmandatory).

The department advises employers that the following tasks have a high risk for lead overexposure (this list is not complete; other tasks also can result in lead over-exposure):

- Any open flame operation involving lead-containing solder in a manner producing molten solder, including the manufacture or repair of motor vehicle radiators;
- Sanding, cutting or grinding of lead-containing solder;
- Breaking, recycling or manufacture of lead-containing batteries;
- Casting objects using lead, brass, or lead-containing alloys;
- Where lead-containing coatings or paints are present:
    - abrasive blasting
    - welding
    - cutting
    - torch burning
    - manual demolition of structures
    - manual scraping
    - manual sanding
    - heat gun applications
    - power tool cleaning
    - rivet busting
    - clean-up activities where dry expendable abrasives are used
    - abrasive blasting enclosure movement and removal;
- Spray-painting with lead-containing paint;
- Using lead-containing mortar;
- Lead burning;

- Operation or cleaning of shooting facilities where lead bullets are used;
- Formulation or processing of lead-containing pigments or paints;
- Cutting, burning, or melting of lead-containing materials.

The department recommends that annual blood lead testing be offered to all employees potentially overexposed to lead, including those performing the tasks listed above, regardless of air lead levels. Research has shown that air lead levels often do not accurately predict workers' lead overexposure. The blood lead testing will provide the most information if performed during a period of peak lead exposure.

Employers should be aware that the United States Public Health Service has set a goal of eliminating occupational exposures which result in whole blood lead levels of 25 μg/dl or greater. This goal should guide whether employees' blood lead levels indicate lead overexposure.

If blood lead levels are elevated in an employee performing a task associated with lead overexposure, employers should assess the maintenance and effectiveness of exposure controls, hygiene facilities, respiratory protection program, the employee's work practices and personal hygiene, and the employee's respirator use, if any. If a deficiency exists in any of these areas, the employer should correct the problem.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-07521, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-07521, filed 5/9/01, effective 9/1/01; 99-10-071, § 296-62-07521, filed 5/4/99, effective 9/1/99. Statutory Authority: Chapter 49.17 RCW. 96-09-030, § 296-62-07521, filed 4/10/96, effective 6/1/96; 95-04-078, § 296-62-07521, filed 1/30/95, effective 3/2/95; 91-24-017 (Order 91-07), § 296-62-07521, filed 11/22/91, effective 12/24/91; 90-17-051 (Order 90-10), § 296-62-07521, filed 8/13/90, effective 9/24/90; 90-03-029 (Order 89-20), § 296-62-07521, filed 1/11/90, effective 2/26/90; 88-14-108 (Order 88-11), § 296-62-07521, filed 7/6/88. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-24-013 (Order 83-34), § 296-62-07521, filed 11/30/83; 82-13-045 (Order 82-22), § 296-62-07521, filed 6/11/82. Formerly WAC 296-62-07349.]

WAC 296-62-07719 Hygiene facilities and practices. (1) Change rooms.

(a) The employer shall provide clean change rooms for employees required to work in regulated areas or required by WAC 296-62-07717(1) to wear protective clothing.

Exception: In lieu of the change area requirement specified in this subsection, the employer may permit employees in Class III and Class IV asbestos work, to clean their protective clothing with a portable HEPA-equipped vacuum before such employees leave the area where maintenance was performed.

(b) The employer shall ensure that change rooms are in accordance with WAC 296-800-230, and are equipped with two separate lockers or storage facilities, so separated as to prevent contamination of the employee's street clothes from his/her protective work clothing and equipment.

(2) Showers.

(a) The employer shall ensure that employees who work in negative pressure enclosures required by WAC 296-62-07712, or who work in areas where their airborne exposure is above the permissible exposure limits prescribed in WAC 296-62-07705, shower at the end of the work shift.

(b) The employer shall provide shower facilities which comply with WAC 296-800-230.

(c) The employer shall ensure that employees who are required to shower pursuant to (a) of this subsection do not leave the workplace wearing any clothing or equipment worn during the work shift.

(3) Special requirements in addition to the other provisions of WAC 296-62-07719 for construction work defined in WAC 296-155-012 and for all shipyard work defined in WAC 296-304-010.

(a) Requirements for employees performing Class I asbestos jobs involving over 25 linear or 10 square feet of TSI or surfacing ACM and PACM.

(i) Decontamination areas: The employer shall establish a decontamination area that is adjacent and connected to the regulated area for the decontamination of such employees. The decontamination area shall consist of an equipment room, shower area, and clean room in series. The employer shall ensure that employees enter and exit the regulated area through the decontamination area.

(A) Equipment room. The equipment room shall be supplied with impermeable, labeled bags and containers for the containment and disposal of contaminated protective equipment.

(B) Shower area. Shower facilities shall be provided which comply with WAC 296-800-230, unless the employer can demonstrate that they are not feasible. The showers shall be adjacent both to the equipment room and the clean room, unless the employer can demonstrate that this location is not feasible. Where the employer can demonstrate that it is not feasible to locate the shower between the equipment room and the clean room, or where the work is performed outdoors, the employers shall ensure that employees:

(I) Remove asbestos contamination from their worksuits in the equipment room using a HEPA vacuum before proceeding to a shower that is not adjacent to the work area; or

(II) Remove their contaminated worksuits in the equipment room, then don clean worksuits, and proceed to a shower that is not adjacent to the work area.

(C) Clean change room. The clean room shall be equipped with a locker or appropriate storage container for each employee's use.

(ii) Decontamination area entry procedures. The employer shall ensure that employees:

(A) Enter the decontamination area through the clean room;

(B) Remove and deposit street clothing within a locker provided for their use; and

(C) Put on protective clothing and respiratory protection before leaving the clean room.

(D) Before entering the regulated area, the employer shall ensure that employees pass through the equipment room.

(iii) Decontamination area exit procedures. The employer shall ensure that:

(A) Before leaving the regulated area, employees shall remove all gross contamination and debris from their protective clothing;

(B) Employees shall remove their protective clothing in the equipment room and deposit the clothing in labeled impermeable bags or containers;

(C) Employees shall not remove their respirators in the equipment room;

(D) Employees shall shower prior to entering the clean room. When taking a shower, employees shall be fully wetted, including the face and hair, prior to removing the respirators;

(E) After showering, employees shall enter the clean room before changing into street clothes.

(b) Requirements for Class I work involving less than 25 linear or 10 square feet of TSI or surfacing ACM and PACM, and for Class II and Class III asbestos work operations where exposures exceed a PEL or where there is no negative exposure assessment produced before the operation.

(i) The employer shall establish an equipment room or area that is adjacent to the regulated area for the decontamination of employees and their equipment which is contaminated with asbestos which shall consist of an area covered by a impermeable drop cloth on the floor or horizontal working surface.

(ii) The area must be of sufficient size as to accommodate cleaning of equipment and removing personal protective equipment without spreading contamination beyond the area (as determined by visible accumulations).

(iii) Work clothing must be cleaned with a HEPA vacuum before it is removed.

(iv) All equipment and surfaces of containers filled with ACM must be cleaned prior to removing them from the equipment room or area.

(v) The employer shall ensure that employees enter and exit the regulated area through the equipment room or area.

(c) Requirements for Class IV work. Employers shall ensure that employees performing Class IV work within a regulated area comply with hygiene practice required of employees performing work which has a higher classification within that regulated area. Otherwise employers of employees cleaning up debris and material which is TSI or surfacing ACM or identified as PACM shall provide decontamination facilities for such employees which are required by WAC 296-62-07719 (3)(b).

(d) Decontamination area for personnel shall not be used for the transportation of asbestos debris.

(e) Waste load-out procedure. The waste load-out area as required by WAC 296-62-07723 shall be used as an area for final preparation and external decontamination of waste containers, as a short term storage area for bagged waste, and as a port for transporting waste. The employer shall ensure waste containers be free of all gross contaminated material before removal from the negative-pressure enclosure. Gross contamination shall be wiped, scraped off, or washed off containers before they are placed into a two chamber air lock which is adjacent to the negative-pressure enclosure. In the first chamber, the exterior of the waste container shall be decontaminated or placed within a second waste container, and then it shall be moved into the second chamber of the air lock for temporary storage or transferred outside of the regulated area. The second waste container shall not be reused unless thoroughly decontaminated.

(4) Lunchrooms.

(a) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit.

(b) The employer shall ensure that lunchroom facilities have a positive pressure, filtered air supply, and are readily accessible to employees.

(c) The employer shall ensure that employees who work in areas where their airborne exposure is above the time weighted average and/or excursion limit, wash their hands and faces prior to eating, drinking, or smoking.

(d) The employer shall ensure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface asbestos fibers have been removed from the clothing or equipment by vacuuming or other method that removes dust without causing the asbestos to become airborne.

(5) Smoking in work areas. The employer shall ensure that employees do not smoke in work areas where they are occupationally exposed to asbestos because of activities in that work area.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-07719, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-62-07719, filed 8/8/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 97-01-079, § 296-62-07719, filed 12/17/96, effective 3/1/97. Statutory Authority: Chapter 49.17 RCW. 91-03-044 (Order 90-18), § 296-62-07719, filed 1/10/91, effective 2/12/91; 89-11-035 (Order 89-03), § 296-62-07719, filed 5/15/89, effective 6/30/89; 87-24-051 (Order 87-24), § 296-62-07719, filed 11/30/87. Statutory Authority: RCW 49.17.050(2) and 49.17.040. 87-10-008 (Order 87-06), § 296-62-07719, filed 4/27/87.]

WAC 296-62-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-08001 Bloodborne pathogens.

Note: The requirements in this section apply only to agriculture. The general industry requirements relating to bloodborne pathogen requirements have been moved to chapter 296-823 WAC.

(1) Scope and application. This section applies to all occupational exposure to blood or other potentially infectious materials as defined by subsection (2) of this section.

(2) Definitions. For purposes of this section, the following shall apply:

"Blood" means human blood, human blood components, and products made from human blood.

"Bloodborne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

"Clinical laboratory" means a workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials.

"Contaminated" means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

"Contaminated laundry" means laundry which has been soiled with blood or other potentially infectious materials or may contain contaminated sharps.

"Contaminated sharps" means any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

"Decontamination" means the use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

"Director" means the director of the Washington state department of labor and industries; the state designee for the Washington state plan.

"Engineering controls" means controls (e.g., sharps disposal containers, self-sheathing needles, safer medical devices, such as sharps with engineered sharps injury protections and needleless systems) that isolate or remove the bloodborne pathogens hazard from the workplace.

"Exposure incident" means a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or other potentially infectious materials that results from the performance of an employee's duties.

"Handwashing facilities" means a facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

"Licensed healthcare professional" is a person whose legally permitted scope of practice allows him or her to independently perform the activities required by subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up.

"HBV" means hepatitis B virus.

"HIV" means human immunodeficiency virus.

"Needleless systems" means a device that does not use needles for:

• The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established;

• The administration of medication or fluids; or

• Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

"Occupational exposure" means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.

"Other potentially infectious materials" means:

(a) The following human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;

(b) Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and

(c) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

"Parenteral" means piercing mucous membranes or the skin barrier through such events as needlesticks, human bites, cuts, and abrasions.

"Personal protective equipment" is specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (e.g., uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be personal protective equipment.

"Production facility" means a facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

"Regulated waste" means liquid or semi-liquid blood or other potentially infectious materials; contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps; and pathological and microbiological wastes containing blood or other potentially infectious materials.

"Research laboratory" means a laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

"Sharps with engineered sharps injury protections" means a nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

"Source individual" means any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to the employee. Examples include, but are not limited to, hospital and clinic patients; clients in institutions for the developmentally disabled; trauma victims; clients of drug and alcohol treatment facilities; residents of hospices and nursing homes; human remains; and individuals who donate or sell blood or blood components.

"Sterilize" means the use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

"Universal precautions" are an approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

"Work practice controls" means controls that reduce the likelihood of exposure by altering the manner in which a task is performed (e.g., prohibiting recapping of needles by a two-handed technique).

(3) Exposure control.

(a) Exposure control plan.

(i) Each employer having an employee(s) with occupational exposure as defined by subsection (2) of this section shall establish a written exposure control plan designed to eliminate or minimize employee exposure.

(ii) The exposure control plan shall contain at least the following elements:

(A) The exposure determination required by (b) of this subsection;

(B) The schedule and method of implementation for subsection (4) of this section, Methods of compliance; subsection (5) of this section, HIV and HBV research laboratories and production facilities; subsection (6) of this section, Hepatitis B vaccination and post-exposure evaluation and follow-up; subsection (7) of this section, Communication of hazards

to employees; and subsection (8) of this section, Recordkeeping; and

(C) The procedure for the evaluation of circumstances surrounding exposure incidents as required by subsection (6)(c)(i) of this section.

(iii) Each employer shall ensure that a copy of the exposure control plan is accessible to employees in accordance with WAC 296-62-05209.

(iv) The exposure control plan shall be reviewed and updated at least annually, and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure, and to reflect new or revised employee positions with occupational exposure. The review and update of such plans shall also:

(A) Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens; and

(B) Document annually consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

(v) An employer, who is required to establish an exposure control plan shall solicit input from nonmanagerial employees responsible for direct patient care who are potentially exposed to injuries from contaminated sharps in the identification, evaluation, and selection of effective engineering and work practice controls and shall document the solicitation in the exposure control plan.

(b) Exposure determination.

(i) Each employer who has an employee(s) with occupational exposure as defined by subsection (2) of this section shall prepare an exposure determination. This exposure determination shall contain the following:

(A) A list of all job classifications in which all employees in those job classifications have occupational exposure;

(B) A list of job classifications in which some employees have occupational exposure; and

(C) A list of all tasks and procedures or groups of closely related tasks and procedures in which occupational exposure occurs, and that are preformed by employees in job classifications listed in accordance with the provisions of (b)(i)(B) of this subsection.

(ii) This exposure determination shall be made without regard to the use of personal protective equipment.

(4) Methods of compliance.

(a) General. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. Under circumstances in which differentiation between body fluid types is difficult or impossible, all body fluids shall be considered potentially infectious materials.

(b) Engineering and work practice controls.

(i) Engineering and work practice controls shall be used to eliminate or minimize employee exposure. Where occupational exposure remains after institution of these controls, personal protective equipment shall also be used.

(ii) Engineering controls shall be examined and maintained or replaced on a regular schedule to ensure their effectiveness.

(iii) Employers shall provide handwashing facilities which are readily accessible to employees.

(iv) When provision of handwashing facilities is not feasible, the employer shall provide either an appropriate antiseptic hand cleanser in conjunction with clean cloth/paper towels or antiseptic towelettes. When antiseptic hand cleansers or towelettes are used, hands shall be washed with soap and running water as soon as feasible.

(v) Employers shall ensure that employees wash their hands immediately or as soon as feasible after removal of gloves or other personal protective equipment.

(vi) Employers shall ensure that employees wash hands and any other skin with soap and water, or flush mucous membranes with water immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials.

(vii) Contaminated needles and other contaminated sharps shall not be bent, recapped, or removed except as noted in (b)(vii)(A) and (B) of this subsection. Shearing or breaking of contaminated needles is prohibited.

(A) Contaminated needles and other contaminated sharps shall not be bent, recapped or removed unless the employer can demonstrate that no alternative is feasible or that such action is required by a specific medical or dental procedure.

(B) Such bending, recapping or needle removal must be accomplished through the use of a mechanical device or a one-handed technique.

(viii) Immediately or as soon as possible after use, contaminated reusable sharps shall be placed in appropriate containers until properly reprocessed. These containers shall be:

(A) Puncture resistant;

(B) Labeled or color-coded in accordance with this standard;

(C) Leakproof on the sides and bottom; and

(D) In accordance with the requirements set forth in (d)(ii)(E) of this subsection for reusable sharps.

(ix) Eating, drinking, smoking, applying cosmetics, or lip balm, and handling contact lenses are prohibited in work areas where there is a reasonable likelihood of occupational exposure.

(x) Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where blood or other potentially infectious materials are present.

(xi) All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

(xii) Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.

(xiii) Specimens of blood or other potentially infectious materials shall be placed in a container which prevents leakage during collection, handling, processing, storage, transport, or shipping.

(A) The container for storage, transport, or shipping shall be labeled or color-coded according to subsection (7)(a)(i) of this section and closed prior to being stored, transported, or shipped. When a facility utilizes universal precautions in the handling of all specimens, the labeling/color-coding of specimens is not necessary provided containers are recognizable as containing specimens. This exemption only applies while such specimens/containers remain within the facility. Labeling or color-coding in accordance with subsection (7)(a)(i) of

this section is required when such specimens/containers leave the facility.

(B) If outside contamination of the primary container occurs, the primary container shall be placed within a second container which prevents leakage during handling, processing, storage, transport, or shipping and is labeled or color-coded according to the requirements of this standard.

(C) If the specimen could puncture the primary container, the primary container shall be placed within a secondary container which is punctured-resistant in addition to the above characteristics.

(xiv) Equipment which may become contaminated with blood or other potentially infectious materials shall be examined prior to servicing or shipping and shall be decontaminated as necessary, unless the employer can demonstrate that decontamination of such equipment or portions of such equipment is not feasible.

(A) A readily observable label in accordance with subsection (7)(a)(i)(H) of this section shall be attached to the equipment stating which portions remain contaminated.

(B) The employer shall ensure that this information is conveyed to all affected employees, the servicing representative, and/or the manufacturer, as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

(c) Personal protective equipment.

(i) Provision. When there is occupational exposure, the employer shall provide, at no cost to the employee, appropriate personal protective equipment such as, but not limited to, gloves, gowns, laboratory coats, face shields or masks and eye protection, and mouthpieces, resuscitation bags, pocket masks, or other ventilation devices. Personal protective equipment will be considered "appropriate" only if it does not permit blood or other potentially infectious materials to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

(ii) Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or the co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future.

(iii) Accessibility. The employer shall ensure that appropriate personal protective equipment in the appropriate sizes is readily accessible at the worksite or is issued to employees. Hypoallergenic gloves, glove liners, powderless gloves, or other similar alternatives shall be readily accessible to those employees who are allergic to the gloves normally provided.

(iv) Cleaning, laundering, and disposal. The employer shall clean, launder, and dispose of personal protective equipment required by subsections (4) and (5) of this section, at no cost to the employee.

(v) Repair and replacement. The employer shall repair or replace personal protective equipment as needed to maintain its effectiveness, at no cost to the employee.

(vi) If a garment(s) is penetrated by blood or other potentially infectious materials, the garment(s) shall be removed immediately or as soon as feasible.

(vii) All personal protective equipment shall be removed prior to leaving the work area.

(viii) When personal protective equipment is removed it shall be placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

(ix) Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and nonintact skin; when performing vascular access procedures except as specified in (c)(ix)(D) of this subsection; and when handling or touching contaminated items or surfaces.

(A) Disposable (single use) gloves such as surgical or examination gloves, shall be replaced as soon as practical when contaminated or as soon as feasible if they are torn, punctured, or when their ability to function as a barrier is compromised.

(B) Disposable (single use) gloves shall not be washed or decontaminated for re-use.

(C) Utility gloves may be decontaminated for re-use if the integrity of the glove is not compromised. However, they must be discarded if they are cracked, peeling, torn, punctured, or exhibit other signs of deterioration or when their ability to function as a barrier is compromised.

(D) If an employer in a volunteer blood donation center judges that routine gloving for all phlebotomies is not necessary then the employer shall:

(I) Periodically reevaluate this policy;

(II) Make gloves available to all employees who wish to use them for phlebotomy;

(III) Not discourage the use of gloves for phlebotomy; and

(IV) Require that gloves be used for phlebotomy in the following circumstances:

—When the employee has cuts, scratches, or other breaks in his or her skin;

—When the employee judges that hand contamination with blood may occur, for example, when performing phlebotomy on an uncooperative source individual; and

—When the employee is receiving training in phlebotomy.

(x) Masks, eye protection, and face shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated.

(xi) Gowns, aprons, and other protective body clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated.

(xii) Surgical caps or hoods and/or shoe covers or boots shall be worn in instances when gross contamination can reasonably be anticipated (e.g., autopsies, orthopaedic surgery).

(d) Housekeeping.

(i) General. Employers shall ensure that the worksite is maintained in a clean and sanitary condition. The employer shall determine and implement an appropriate written schedule for cleaning and method of decontamination based upon the location within the facility, type of surface to be cleaned, type of soil present, and tasks or procedures being performed in the area.

(ii) All equipment and environmental and working surfaces shall be cleaned and decontaminated after contact with blood or other potentially infectious materials.

(A) Contaminated work surfaces shall be decontaminated with an appropriate disinfectant after completion of procedures; immediately or as soon as feasible when surfaces are overtly contaminated or after any spill of blood or other potentially infectious materials; and at the end of the workshift if the surface may have become contaminated since the last cleaning.

(B) Protective coverings, such as plastic wrap, aluminum foil, or imperviously-backed absorbent paper used to cover equipment and environmental surfaces, shall be removed and replaced as soon as feasible when they become overtly contaminated or at the end of the workshift if they may have become contaminated during the shift.

(C) All bins, pails, cans, and similar receptacles intended for reuse which have a reasonable likelihood for becoming contaminated with blood or other potentially infectious materials shall be inspected and decontaminated on a regularly scheduled basis and cleaned and decontaminated immediately or as soon as feasible upon visible contamination.

(D) Broken glassware which may be contaminated shall not be picked up directly with the hands. It shall be cleaned up using mechanical means, such as a brush and dust pan, tongs, or forceps.

(E) Reusable sharps that are contaminated with blood or other potentially infectious materials shall not be stored or processed in a manner that requires employees to reach by hand into the containers where these sharps have been placed.

(iii) Regulated waste.

(A) Contaminated sharps discarding and containment.

(I) Contaminated sharps shall be discarded immediately or as soon as feasible in containers that are:

—Closable;

—Puncture resistant;

—Leakproof on sides and bottom; and

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(II) During use, containers for contaminated sharps shall be:

—Easily accessible to personnel and located as close as is feasible to the immediate area where sharps are used or can be reasonably anticipated to be found (e.g., laundries);

—Maintained upright throughout use; and

—Replaced routinely and not be allowed to overfill.

(III) When moving containers of contaminated sharps from the area of use, the containers shall be:

—Closed immediately prior to removal or replacement to prevent spillage or protrusion of contents during handling, storage, transport, or shipping;

—Placed in a secondary container if leakage is possible. The second container shall be:

• Closable;

• Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping; and

• Labeled or color-coded according to subsection (7)(a)(i) of this section.

(IV) Reusable containers shall not be opened, emptied, or cleaned manually or in any other manner which would expose employees to the risk of percutaneous injury.

(B) Other regulated waste containment.

(I) Regulated waste shall be placed in containers which are:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(II) If outside contamination of the regulated waste container occurs, it shall be placed in a second container. The second container shall be:

—Closable;

—Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping;

—Labeled or color-coded in accordance with subsection (7)(a)(i) of this section; and

—Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping.

(C) Disposal of all regulated waste shall be in accordance with applicable regulations of the United States, states and territories, and political subdivisions of states and territories.

(iv) Laundry.

(A) Contaminated laundry shall be handled as little as possible with a minimum of agitation.

(I) Contaminated laundry shall be bagged or containerized at the location where it was used and shall not be sorted or rinsed in the location of use.

(II) Contaminated laundry shall be placed and transported in bags or containers labeled or color-coded in accordance with subsection (7)(a)(i) of this section. When a facility utilizes universal precautions in the handling of all soiled laundry, alternative labeling or color-coding is sufficient if it permits all employees to recognize the containers as requiring compliance with universal precautions.

(III) Whenever contaminated laundry is wet and presents a reasonable likelihood of soak-through of or leakage from the bag or container, the laundry shall be placed and transported in bags or containers which prevent soak-through and/or leakage of fluids to the exterior.

(B) The employer shall ensure that employees who have contact with contaminated laundry wear protective gloves and other appropriate personal protective equipment.

(C) When a facility ships contaminated laundry off-site to a second facility which does not utilize universal precautions in the handling of all laundry, the facility generating the contaminated laundry must place such laundry in bags or containers which are labeled or color-coded in accordance with subsection (7)(a)(i) of this section.

(5) HIV and HBV research laboratories and production facilities.

(a) This subsection applies to research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV. It does not apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs. These requirements apply in addition to the other requirements of the standard.

(b) Research laboratories and production facilities shall meet the following criteria:

(i) Standard microbiological practices. All regulated waste shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(ii) Special practices.

(A) Laboratory doors shall be kept closed when work involving HIV or HBV is in progress.

(B) Contaminated materials that are to be decontaminated at a site away from the work area shall be placed in a durable, leakproof, labeled, or color-coded container that is closed before being removed from the work area.

(C) Access to the work area shall be limited to authorized persons. Written policies and procedures shall be established whereby only persons who have been advised of the potential biohazard, who meet any specific entry requirements, and who comply with all entry and exit procedures shall be allowed to enter the work areas and animal rooms.

(D) When other potentially infectious materials or infected animals are present in the work area or containment module, a hazard warning sign incorporating the universal biohazard symbol shall be posted on all access doors. The hazard warning sign shall comply with subsection (7)(a)(ii) of this section.

(E) All activities involving other potentially infectious materials shall be conducted in biological safety cabinets or other physical-containment devices within the containment module. No work with these other potentially infectious materials shall be conducted on the open bench.

(F) Laboratory coats, gowns, smocks, uniforms, or other appropriate protective clothing shall be used in the work area and animal rooms. Protective clothing shall not be worn outside of the work area and shall be decontaminated before being laundered.

(G) Special care shall be taken to avoid skin contact with other potentially infectious materials. Gloves shall be worn when handling infected animals and when making hand contact with other potentially infectious materials is unavoidable.

(H) Before disposal all waste from work areas and from animal rooms shall either be incinerated or decontaminated by a method such as autoclaving known to effectively destroy bloodborne pathogens.

(I) Vacuum lines shall be protected with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of equivalent or superior efficiency and which are checked routinely and maintained or replaced as necessary.

(J) Hypodermic needles and syringes shall be used only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles. Only needle-locking syringes or disposable syringe-needle units (i.e., the needle is integral to the syringe) shall be used for the injection or aspiration of other potentially infectious materials. Extreme caution shall be used when handling needles and syringes. A needle shall not be bent, sheared, replaced in the sheath or guard, or removed from the syringe following use. The needle and syringe shall be promptly placed in a puncture-resistant container and autoclaved or decontaminated before reuse or disposal.

(K) All spills shall be immediately contained and cleaned up by appropriate professional staff or others properly trained and equipped to work with potentially concentrated infectious materials.

(L) A spill or accident that results in an exposure incident shall be immediately reported to the laboratory director or other responsible person.

(M) A biosafety manual shall be prepared or adopted and periodically reviewed and updated at least annually or more often if necessary. Personnel shall be advised of potential hazards, shall be required to read instructions on practices and procedures, and shall be required to follow them.

(iii) Containment equipment.

(A) Certified biological safety cabinets (Class I, II, or III) or other appropriate combinations of personal protection or physical containment devices, such as special protective clothing, respirators, centrifuge safety cups, sealed centrifuge rotors, and containment caging for animals, shall be used for all activities with other potentially infectious materials that pose a threat of exposure to droplets, splashes, spills, or aerosols.

(B) Biological safety cabinets shall be certified when installed, whenever they are moved and at least annually.

(c) HIV and HBV research laboratories shall meet the following criteria:

(i) Each laboratory shall contain a facility for hand washing and an eyewash facility which is readily available within the work area.

(ii) An autoclave for decontamination of regulated waste shall be available.

(d) HIV and HBV production facilities shall meet the following criteria:

(i) The work areas shall be separated from areas that are open to unrestricted traffic flow within the building. Passage through two sets of doors shall be the basic requirement for entry into the work area from access corridors or other contiguous areas. Physical separation of the high-containment work area from access corridors or other areas or activities may also be provided by a double-doored clothes-change room (showers may be included), airlock, or other access facility that requires passing through two sets of doors before entering the work area.

(ii) The surfaces of doors, walls, floors, and ceilings in the work area shall be water resistant so that they can be easily cleaned. Penetrations in these surfaces shall be sealed or capable of being sealed to facilitate decontamination.

(iii) Each work area shall contain a sink for washing hands and a readily available eye wash facility. The sink shall be foot, elbow, or automatically operated and shall be located near the exit door of the work area.

(iv) Access doors to the work area or containment module shall be self-closing.

(v) An autoclave for decontamination of regulated waste shall be available within or as near as possible to the work area.

(vi) A ducted exhaust-air ventilation system shall be provided. This system shall create directional airflow that draws air into the work area through the entry area. The exhaust air shall not be recirculated to any other area of the building, shall be discharged to the outside, and shall be dispersed away from occupied areas and air intakes. The proper direction of the airflow shall be verified (i.e., into the work area).

(e) Training requirements. Additional training requirements for employees in HIV and HBV research laboratories and HIV and HBV production facilities are specified in subsection (7)(b)(ix) of this section.

(6) Hepatitis B vaccination and post-exposure evaluation and follow-up.

(a) General.

(i) The employer shall make available the hepatitis B vaccine and vaccination series to all employees who have occupational exposure, and post-exposure evaluation and follow-up to all employees who have had an exposure incident.

(ii) The employer shall ensure that all medical evaluations and procedures including the hepatitis B vaccine and vaccination series and post-exposure evaluation and follow-up, including prophylaxis, are:

(A) Made available at no cost to the employee;

(B) Made available to the employee at a reasonable time and place;

(C) Performed by or under the supervision of a licensed physician or by or under the supervision of another licensed healthcare professional; and

(D) Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place, except as specified by this subsection (6).

(iii) The employer shall ensure that all laboratory tests are conducted by an accredited laboratory at no cost to the employee.

(b) Hepatitis B vaccination.

(i) Hepatitis B vaccination shall be made available after the employee has received the training required in subsection (7)(b)(vii)(I) of this section and within ten working days of initial assignment to all employees who have occupational exposure unless the employee has previously received the complete hepatitis B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

(ii) The employer shall not make participation in a prescreening program a prerequisite for receiving hepatitis B vaccination.

(iii) If the employee initially declines hepatitis B vaccination but at a later date while still covered under the standard decides to accept the vaccination, the employer shall make available hepatitis B vaccination at that time.

(iv) The employer shall assure that employees who decline to accept hepatitis B vaccination offered by the employer sign the statement in WAC 296-62-08050, appendix A.

(v) If a routine booster dose(s) of hepatitis B vaccine is recommended by the United States Public Health Service at a future date, such booster dose(s) shall be made available in accordance with (a)(ii) of this subsection.

(c) Post-exposure evaluation and follow-up. Following a report of an exposure incident, the employer shall make immediately available to the exposed employee a confidential medical evaluation and follow-up, including at least the following elements:

(i) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

(ii) Identification and documentation of the source individual, unless the employer can establish that identification is infeasible or prohibited by state or local law;

(A) The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented.

(B) When the source individual is already known to be infected with HBV or HIV, testing for the source individual's known HBV or HIV status need not be repeated.

(C) Results of the source individual's testing shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual.

(iii) Collection and testing of blood for HBV and HIV serological status;

(A) The exposed employee's blood shall be collected as soon as feasible and tested after consent is obtained.

(B) If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample shall be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee elects to have the baseline sample tested, such testing shall be done as soon as feasible.

(iv) Post-exposure prophylaxis, when medically indicated, as recommended by the United States Public Health Service;

(v) Counseling; and

(vi) Evaluation of reported illnesses.

(d) Information provided to the healthcare professional.

(i) The employer shall ensure that the healthcare professional responsible for the employee's hepatitis B vaccination is provided a copy of this regulation.

(ii) The employer shall ensure that the healthcare professional evaluating an employee after an exposure incident is provided the following information:

(A) A copy of this regulation;

(B) A description of the exposed employee's duties as they relate to the exposure incident;

(C) Documentation of the route(s) of exposure and circumstances under which exposure occurred;

(D) Results of the source individual's blood testing, if available; and

(E) All medical records relevant to the appropriate treatment of the employee including vaccination status which are the employer's responsibility to maintain.

(e) Healthcare professional's written opinion. The employer shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of the evaluation.

(i) The healthcare professional's written opinion for hepatitis B vaccination shall be limited to whether hepatitis B vaccination is indicated for an employee, and if the employee has received such vaccination.

(ii) The healthcare professional's written opinion for post-exposure evaluation and follow-up shall be limited to the following information:

(A) That the employee has been informed of the results of the evaluation; and

(B) That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

(iii) All other findings or diagnoses shall remain confidential and shall not be included in the written report.

(f) Medical recordkeeping. Medical records required by this standard shall be maintained in accordance with subsection (8)(a) of this section.

(7) Communication of hazards to employees.

(a) Labels and signs.

(i) Labels.

(A) Warning labels shall be affixed to containers of regulated waste, refrigerators and freezers containing blood or other potentially infectious material; and other containers used to store, transport or ship blood or other potentially infectious materials, except as provided in (a)(i)(E), (F), and (G) of this subsection.

(B) Labels required by this section shall include the following legend:

(WAC 296-62-08001, Illus.1)
Place illustration here.

BIOHAZARD

(C) These labels shall be fluorescent orange or orange-red or predominantly so, with lettering and symbols in a contrasting color.

(D) Labels shall be affixed as close as feasible to the container by string, wire, adhesive, or other method that prevents their loss or unintentional removal.

(E) Red bags or red containers may be substituted for labels.

(F) Containers of blood, blood components, or blood products that are labeled as to their contents and have been released for transfusion or other clinical use are exempted from the labeling requirements of subsection (7) of this section.

(G) Individual containers of blood or other potentially infectious materials that are placed in a labeled container during storage, transport, shipment or disposal are exempted from the labeling requirement.

(H) Labels required for contaminated equipment shall be in accordance with this subitem and shall also state which portions of the equipment remain contaminated.

(I) Regulated waste that has been decontaminated need not be labeled or color-coded.

(ii) Signs.

(A) The employer shall post signs at the entrance to work areas specified in subsection (5) of this section, entitled HIV and HBV research laboratory and production facilities, which shall bear the following legend:

(WAC 296-62-08001, Illus. 2)
Place illustration here.

BIOHAZARD

(Name of the Infectious Agent)
(Special requirements for entering the area)
(Name, telephone number of the laboratory director or other responsible person.)

(B) These signs shall be fluorescent orange-red or predominantly so, with lettering and symbols in a contrasting color.

(b) Information and training.

(i) Employers shall ensure that all employees with occupational exposure participate in a training program which must be provided at no cost to the employee and during working hours.

(ii) Training shall be provided as follows:

(A) At the time of initial assignment to tasks where occupational exposure may take place;

(B) Within ninety days after the effective date of the standard; and

(C) At least annually thereafter.

(iii) For employees who have received training on bloodborne pathogens in the year preceding the effective date of the standard, only training with respect to the provisions of the standard which were not included need be provided.

(iv) Annual training for all employees shall be provided within one year of their previous training.

(v) Employers shall provide additional training when changes such as modification of tasks or procedures or institution of new tasks or procedures affect the employee's occupational exposure. The additional training may be limited to addressing the new exposures created.

(vi) Material appropriate in content and vocabulary to educational level, literacy, and language of employees shall be used.

(vii) The training program shall contain at a minimum the following elements:

(A) An accessible copy of the regulatory text of this standard and an explanation of its contents;

(B) A general explanation of the epidemiology and symptoms of bloodborne diseases;

(C) An explanation of the modes of transmission of bloodborne pathogens;

(D) An explanation of the employer's exposure control plan and the means by which the employee can obtain a copy of the written plan;

(E) An explanation of the appropriate methods for recognizing tasks and other activities that may involve exposure to blood and other potentially infectious materials;

(F) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate engineering controls, work practices, and personal protective equipment;

(G) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment;

(H) An explanation of the basis for selection of personal protective equipment;

(I) Information on the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

(J) Information on the appropriate actions to take and persons to contact in an emergency involving blood or other potentially infectious materials;

(K) An explanation of the procedure to follow if an exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

(L) Information on the post-exposure evaluation and follow-up that the employer is required to provide for the employee following an exposure incident;

(M) An explanation of the signs and labels and/or color coding required by (a) of this subsection; and

(N) An opportunity for interactive questions and answers with the person conducting the training session.

(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address.

(ix) Additional initial training for employees in HIV and HBV laboratories and production facilities. Employees in HIV or HBV research laboratories and HIV or HBV production facilities shall receive the following initial training in addition to the above training requirements:

(A) The employer shall assure that employees demonstrate proficiency in standard microbiological practices and techniques and in the practices and operations specific to the facility before being allowed to work with HIV or HBV.

(B) The employer shall assure that employees have prior experience in the handling of human pathogens or tissue cultures before working with HIV or HBV.

(C) The employer shall provide a training program to employees who have no prior experience in handling human pathogens. Initial work activities shall not include the handling of infectious agents. A progression of work activities shall be assigned as techniques are learned and proficiency is developed. The employer shall assure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

(8) Recordkeeping.

(a) Medical records.

(i) The employer shall establish and maintain an accurate record for each employee with occupational exposure, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative to the employee's ability to receive vaccination as required by subsection (6)(b) of this section;

(C) A copy of all results of examinations, medical testing, and follow-up procedures as required by subsection (6)(c) of this section;

(D) The employer's copy of the healthcare professional's written opinion as required by subsection (6)(e) of this section; and

(E) A copy of the information provided to the healthcare professional as required by subsection (6)(d)(ii)(B), (C), and (D) of this section.

(iii) Confidentiality. The employer shall ensure that employee medical records required by (a) of this subsection are:

(A) Kept confidential; and

(B) Not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as required by this section or as may be required by law.

(iv) The employer shall maintain the records required by subsection (8) of this section for at least the duration of employment plus thirty years in accordance with WAC 296-62-052.

(b) Training records.

(i) Training records shall include the following information:

(A) The dates of the training sessions;

(B) The contents or a summary of the training sessions;

(C) The names and qualifications of persons conducting the training; and

(D) The names and job titles of all persons attending the training sessions.

(ii) Training records shall be maintained for three years from the date on which the training occurred.

(c) Availability.

(i) The employer shall ensure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee training records required by this section shall be provided upon request for examination and copying to employees, to employee representatives, and to the director.

(iii) Employee medical records required by this section shall be provided upon request for examination and copying to the subject employee, to anyone having written consent of the subject employee, to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-052.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to their disposal and transmit them to the director, if required by the director to do so, within that three-month period.

(e) Sharps injury log.

(i) The employer shall establish and maintain a sharps injury log for the recording of percutaneous injuries from contaminated sharps. The information in the sharps injury log shall be recorded and maintained in such manner as to protect the confidentiality of the injured employee. The sharps injury log shall contain, at a minimum:

(A) The type and brand of device involved in the incident;

(B) The department or work area where the exposure incident occurred; and

(C) An explanation of how the incident occurred.

(ii) The requirement to establish and maintain a sharps injury log shall apply to any employer who is required to maintain a log of occupational injuries and illnesses under chapter 296-27 WAC, Recordkeeping and recording.

(iii) The sharps injury log shall be maintained for the period required by WAC 296-27-070, Retention of records.

(9) Dates.

(a) Effective date. The standard shall become effective on May 26, 1992.

(b) The exposure control plan required by subsection (3) of this section shall be completed on or before June 26, 1992.

(c) Subsection (7)(b) of this section, entitled Information and training; and subsection (7)(h) of this section, entitled Recordkeeping; shall take effect on or before July 27, 1992.

(d) Subsection (4)(b) of this section, entitled Engineering and work practice controls; subsection (4)(c) of this section, entitled Personal protective equipment; subsection (4)(d) of this section, entitled Housekeeping; subsection (5) of this section, entitled HIV and HBV research laboratories and production facilities; subsection (6) of this section, entitled Hepatitis B vaccination and post-exposure evaluation and follow-up; and subsection (7)(a) of this section, entitled Labels and signs; shall take effect August 27, 1992.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-62-08001, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-13-078, § 296-62-08001, filed 6/19/01, effective 8/6/01. Statutory Authority: Chapter 49.17 RCW. 93-01-067 (Order 92-15), § 296-62-08001, filed 12/11/92, effective 1/15/93; 92-08-100 (Order 92-01), § 296-62-08001, filed 4/1/92, effective 5/5/92.]

WAC 296-62-09015 Hearing conservation.

Note: The requirements in WAC 296-62-09015 through 296-62-09055 apply only to agriculture. The requirements for all other industries relating to noise have been moved to chapter 296-817 WAC, Hearing loss prevention (noise).

The employer shall administer a continuing effective hearing conservation program, as described in WAC 296-62-09015 through 296-62-09055 whenever employee noise exposures equal or exceed an 8-hour time-weighted average (TWA) sound level of 85 decibels (dB) measured on the A-scale weighting at slow response or, equivalently, a noise dose of fifty percent. For purposes of the hearing conservation program, employee noise exposures shall be computed in accordance with WAC 296-62-09055, Appendix E: Noise exposure computation, without regard to any attenuation provided by the use of personal protective equipment.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-62-09015, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-24-013 (Order 83-34), § 296-62-09015, filed 11/30/83; 82-03-023 (Order 82-1), § 296-62-09015, filed 1/15/82.]

WAC 296-62-11021 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-62-20015 Hygiene facilities and practices.

(1) Change rooms. The employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with WAC 296-62-20013.

(2) Showers.

(a) The employer shall assure that employees working in the regulated area shower at the end of the work shift.

(b) The employer shall provide shower facilities in accordance with WAC 296-800-230.

(3) Lunchrooms. The employer shall provide lunchroom facilities which have a temperature controlled, positive pressure, filtered air supply, and which are readily accessible to employees working in the regulated area.

(4) Lavatories.

(a) The employer shall assure that employees working in the regulated area wash their hands and face prior to eating.

(b) The employer shall provide lavatory facilities in accordance with WAC 296-800-230.

(5) Prohibition of activities in the regulated area.

(a) The employer shall assure that in the regulated area, food or beverages are not present or consumed, smoking products are not present or used, and cosmetics are not applied, except, that these activities may be conducted in the lunchrooms, change rooms and showers required under subsection (1)-(3) of this section.

(b) Drinking water may be consumed in the regulated area.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-20015, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-62-20015, filed 5/9/01, effective 9/1/01; Order 77-14, § 296-62-20015, filed 7/25/77.]

WAC 296-62-31020 Showers and change rooms used for decontamination. Where the decontamination procedure indicates a need for regular showers and change rooms outside of a contaminated area, they must be provided and meet the requirements of WAC 296-800-230. If temperature conditions prevent the effective use of water, then other effective means for cleansing must be provided and used.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-31020, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.040. 99-07-097, § 296-62-31020, filed 3/23/99, effective 6/23/99.]

WAC 296-62-31335 Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer must provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(1) Showers must be provided and must meet the requirements of WAC 296-24-12010.

(2) Change rooms must be provided and must meet the requirements of WAC 296-800-230. Change rooms must consist of two separate change areas separated by the shower area required in (1) of this subsection. One change area, with an exit leading off the worksite, must provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, must provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(3) Showers and change rooms must be located in areas where exposures are below the permissible exposure limits and published exposure levels. If this cannot be accomplished, then a ventilation system must be provided that will supply air that is below the permissible exposure limits and published exposure levels.

(4) Employers must assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-62-31335, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-62-31335, filed 8/8/01, effective 9/1/01. Statutory Authority: RCW 49.17.040. 99-07-097, § 296-62-31335, filed 3/23/99, effective 6/23/99.]

Chapter 296-78 WAC

SAFETY STANDARDS FOR SAWMILLS AND WOODWORKING OPERATIONS

WAC

296-78-56505	Boats and mechanical devices on waters.
296-78-71001	General.
296-78-71011	Egress and exit.
296-78-835	Vehicles.

WAC 296-78-56505 Boats and mechanical devices on waters. (1) The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302-1994, shall be complied with. Prior to starting the boat motor, any spilled fuel shall be removed and vapors shall be exhausted from any area in which they may accumulate.

(2) The bilge area shall be kept clean and oil, grease, fuel, or highly combustible materials shall not be allowed to accumulate.

(3) Adequate ventilation equipment shall be provided and used for the bilge area to prevent the accumulation of toxic or explosive gases or vapors.

(4) Adequate ventilation equipment shall be provided and used for the cabin area on enclosed cabin-type boats to prevent an accumulation of harmful gases or vapors.

(5) Deck and cabin lighting shall be provided and used where necessary to provide safe levels of illumination aboard boats. Boats operated during the period from sunset to sunrise, or in conditions of restricted visibility, shall display navigation lights as required by the United States Coast Guard. Searchlights or floodlights shall be provided to facilitate safe navigation and to illuminate working or boarding areas adjacent to the craft.

(6) Decks of pond boats shall be covered with nonslip material. On craft used by workers wearing calked shoes, all areas where the operator or workers must stand or walk shall be made of or be covered with wood or other suitable matting or nonslip material and such covering shall be maintained in good condition.

(7) Each boat shall be provided with a fire extinguisher and life ring with at least fifty feet of one-fourth inch line attached.

Note: For additional requirements relating to portable fire extinguishers see WAC 296-800-300.

(8)(a) Along docks, walkways, or other fixed installations on or adjacent to open water more than five feet deep, approved life rings with at least ninety feet of one-fourth inch line attached, shall be provided. The life rings shall be spaced at intervals not to exceed two hundred feet and shall be kept in easily visible and readily accessible locations.

(b) When employees are assigned work at other casual locations where exposure to drowning exists, at least one approved life ring with at least ninety feet of line attached, shall be provided in the immediate vicinity of the work assigned.

(c) When work is assigned over water where the vertical drop from the accidental fall would exceed fifty feet, special arrangements shall be made with and approved by the department of labor and industries prior to such assignment.

(d) Lines attached to life rings on fixed locations shall be at least ninety feet in length, at least one-fourth inch in diameter, and have a minimum breaking strength of five hundred pounds. Similar lines attached to life rings on boats shall be at least fifty feet in length.

(e) Life rings must be United States Coast Guard approved thirty-inch size.

(f) Life rings and attached lines shall be provided and maintained to retain their buoyancy and strength.

(g) Log broncs, boomscooters, and boomboats shall not be loaded with personnel or equipment so as to adversely affect their stability or seaworthiness.

(h) Boats shall not be operated at an excessive speed or handled recklessly.

(i) Boat fuel shall be transported and stored in approved containers. Refer to WAC 296-24-58501(19) for definition of approved.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-076, § 296-78-56505, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-03-124, § 296-78-56505, filed 1/23/02, effective 3/1/02; 01-17-033, § 296-78-56505, filed 8/8/01, effective 9/1/01. Statutory Authority: Chapter 49.17 RCW. 96-17-056, § 296-78-56505, filed 8/20/96, effective 10/15/96; 88-23-054 (Order 88-25), § 296-78-56505, filed 11/14/88. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-56505, filed 8/27/81.]

WAC 296-78-71001 General. (1) Construction when not specifically covered in these standards shall be governed by such other standards adopted by the department of labor and industries as may apply.

(2) All buildings, docks, tramways, walkways, log dumps and other structures shall be so designed, constructed, and maintained as to provide a safety factor of four. This means that all members shall be capable of supporting four times the maximum load to be imposed. This provision refers to buildings, docks and so forth designed and constructed subsequent to the effective date of these standards and also refers in all cases where either complete or major changes or repairs are made to such buildings, docks, tramways, walkways, log dumps and other structures.

(3) Basements on ground floors under mills shall be evenly surfaced, free from unnecessary obstructions and debris, and provided with lighting facilities in compliance with the requirements of the safety and health core rules, WAC 296-800-210.

(4) All engines, motors, transmission machinery or operating equipment installed in mill basements or ground floors shall be equipped with standard safeguards for the protection of workers.

(5) Hazard marking. Physical hazard marking shall be as specified in WAC 296-24-13501 of the general safety and health standards.

(6) Flooring of buildings, ramps and walkways not subject to supporting motive equipment shall be of not less than two-inch wood planking or material of equivalent structural strength.

(7) Flooring of buildings, ramps, docks, trestles and other structure required to support motive equipment shall be of not less than full two and one-half inch wood planing or material of equivalent structural strength. However, where flooring is covered by steel floor plates, two inch wood planking or material or equivalent structural strength may be used.

(8) Walkways, docks, and platforms.

(a) Walkways, docks and platforms shall be constructed and maintained in accordance with the requirements of WAC 296-24-735 through 296-24-75011 and WAC 296-800-270.

(b) Maintenance. Walkways shall be evenly floored and kept in good repair.

(c) Where elevated platforms are used they shall be equipped with stairways or ladders in accordance with WAC 296-24-765 through 296-24-81013, and WAC 296-800-250 and 296-800-290.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-06-076, § 296-78-71001, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-78-71001, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-71001, filed 8/27/81.]

WAC 296-78-71011 Egress and exit. (1) In all enclosed buildings, means of egress shall be provided in accordance with the provisions of WAC 296-800-310.

(2) All swinging doors shall be provided with windows, the bottom of which shall be not more than forty-eight inches above the floor. One window shall be provided for each section of double swinging doors. All such windows shall be of shatter proof or safety glass unless otherwise protected against breakage.

(3) Outside exits shall open outward. Where sliding doors are used as exits, an inner door not less than two feet six inches by six feet shall be cut inside each of the main doors and arranged to open outward.

(4) At least two fire escapes or substantial outside stairways, shall be provided for mill buildings where the floor level is more than eight feet above the ground.

(a) Buildings over one hundred fifty feet in length shall have at least one additional fire escape or substantial outside stairway for each additional one hundred fifty feet of length or fraction thereof.

(b) Passageways to fire escapes or outside stairways shall be marked and kept free of obstructions at all times.

(c) Fire protection. The requirements of Part G2 (Fire Protection) and Part G3 (Fire Suppression Equipment), chapter 296-24 WAC of the general safety and health standard, and WAC 296-800-300 of the safety and health core rules, shall be complied with in providing the necessary fire protection for sawmills.

(d) Fire drills shall be held at least quarterly and shall be documented.

(5) Where a doorway opens upon a roadway, railroad track, or upon a tramway or dock over which vehicles travel, a barricade or other safeguard and a warning sign shall be placed to prevent workers from stepping directly into moving traffic.

(6) Tramways and trestles shall be substantially supported by piling or framed bent construction which shall be frequently inspected and maintained in good repair at all times. Tramways or trestles used both for vehicular and pedestrian traffic shall have a walkway with standard hand rail at the outer edge and shear timber on the inner edge, and shall provide three feet clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(7) Where tramways and trestles are built over railroads they shall have a vertical clearance of twenty-two feet above the top of the rails. When constructed over carrier docks or roads, they shall have a vertical clearance of not less than six feet above the drivers foot rest on the carrier, and in no event shall this clearance be less than twelve feet from the surface of the lower roadway or dock.

(8) Walkways (either temporary or permanent) shall be not less than twenty-four inches wide and two inches thick, nominal size, securely fastened at each end. When such walk-

ways are used on an incline the angle shall not be greater than twenty degrees from horizontal.

(9) Walkways from the shore or dock to floats or barges shall be securely fastened at the shore end only and clear space provided for the other end to adjust itself to the height of the water.

(10) Cleats of one by four inch material shall be fastened securely across walkways at uniform intervals of eighteen inches whenever the grade is sufficient to create a slipping hazard.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-076, § 296-78-71011, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-78-71011, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-71011, filed 8/27/81.]

WAC 296-78-835 Vehicles. (1) Vehicles.

(a) Scope. Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations, including log sorting yards.

(b) Lift trucks. Lift truck shall be designed, constructed, maintained and operated in accordance with the requirements of WAC 296-24-230 through 296-24-23035 of the general safety and health standards.

(c) Carriers. Drive chains on lumber carriers shall be adequately guarded to prevent contact at the pinch points.

(d)(i) Lumber carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(ii) Carriers shall be provided with ladders or equivalent means of access to the operator's platform or cab.

(e) Lumber hauling trucks.

(i) On trucks where the normal operating position is ahead of the load in the direction of travel, the cab shall be protected by a barrier at least as high as the cab. The barrier shall be capable of stopping the weight of the load capacity of the vehicle if the vehicle were to be stopped suddenly while traveling at its normal operating speed. The barrier shall be constructed in such a manner that individual pieces of a normal load will not go through openings in the barrier.

(ii) Stakes, stake pockets, racks, tighteners, and binders shall provide a positive means to secure the load against any movement during transit.

(iii) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(2) Warning signals and spark arrestors. All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(3) Flywheels, gears, sprockets and chains and other exposed parts that constitute a hazard to workers shall be enclosed in standard guards.

(4) All vehicles operated after dark or in any area of reduced visibility shall be equipped with head lights and backup lights which adequately illuminate the direction of travel for the normal operating speed of the vehicle. The vehicle shall also be equipped with tail lights which are visible enough to give sufficient warning to surrounding traffic at the normal traffic operating speed.

(5) All vehicles operated in areas where overhead hazards exist shall be equipped with an overhead guard for the protection of the operator.

(6) Where vehicles are so constructed and operated that there is a possibility of the operator being injured by backing into objects, a platform guard shall be provided and so arranged as not to hinder the exit of the driver.

(7) Trucks, lift trucks and carriers shall not be operated at excessive rates of speed. When operating on tramways or docks more than six feet above the ground or lower level they shall be limited to a speed of not more than twelve miles per hour. When approaching blind corners they shall be limited to four miles per hour.

(8) Vehicles shall not be routed across principal thoroughfares while employees are going to or from work unless pedestrian lanes are provided.

(a) Railroad tracks and other hazardous crossings shall be plainly posted and traffic control devices (American National Standard D8.1 - 1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(b) Restricted overhead clearance. All areas of restricted side or overhead clearance shall be plainly marked.

(c) Pickup and unloading points. Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(d) Aisles, passageways, and roadways. Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(9) Where an operator's vision is impaired by the vehicle or load it is carrying, he shall move only on signal from someone so stationed as to have a clear view in the direction the vehicle is to travel.

(10) Lift trucks shall be equipped, maintained and operated in compliance with the requirements of the general safety and health standard, WAC 296-24-230 through 296-24-23035.

(11) Load limits. No vehicle shall be operated with loads exceeding its safe load capacity.

(12) Vehicles with internal combustion engines shall not be operated in enclosed buildings or buildings with ceilings less than sixteen feet high unless the buildings have ventilation adequate to maintain air quality as required by the general occupational health standard, chapter 296-62 WAC.

(13) Vehicles shall not be refueled while motor is running. Smoking or open flames shall not be allowed in the refueling area.

(14) No employee other than trained operators or mechanics shall start the motor of, or operate any log or lumber handling vehicle.

(15) All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any grade or incline over which they may operate.

(16) Unloading equipment and facilities.

(a) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(b) The lifting cylinders of all hydraulically operated log handling machines, or where the load is lifted by wire rope, shall be equipped with a positive device for preventing the

uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(c) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(d) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(e) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(f) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with overhead protection.

(g) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(h) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

Lift trucks regularly used for transporting peeler blocks or cores shall have tusks or a similar type hold down device to prevent the blocks or cores from rolling off the forks.

(17) Where spinners are used on steering wheels, they shall be of the automatic retracting type or shall be built into the wheel in such a manner as not to extend above the plane surface of the wheel. Vehicles equipped with positive antikickback steering are exempted from this requirement.

(18) Mechanical stackers and unstackers shall have all gears, sprockets and chains exposed to the contact of workers, fully enclosed by guards as required by WAC 296-78-710 of this chapter.

(19) Manually operated control switches shall be properly identified and so located as to be readily accessible to the operator. Main control switches shall be so designed that they can be locked in the open position.

(20) Employees shall not stand or walk under loads being lifted or moved. Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(21) No person shall ride any lift truck or lumber carrier unless a suitable seat is provided, except for training purposes.

(22) Unstacking machines shall be provided with a stopping device which shall at all times be accessible to at least one employee working on the machine.

(23) Floor of unstacker shall be kept free of broken stickers and other debris. A bin or frame shall be provided to allow for an orderly storage of stickers.

(24) Drags or other approved devices shall be provided to prevent lumber from running down on graders.

(25) Liquified petroleum gas storage and handling. Storage and handling of liquified petroleum gas shall be in accordance with the requirements of WAC 296-24-475 through 296-24-47517 of the general safety and health standards.

(26) Flammable liquids. Flammable liquids shall be stored and handled in accordance with WAC 296-24-330 through 296-24-33019 of the general safety and health standards.

(27) Guarding side openings. The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(28) Guarding hoistway openings. When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(29) Guarding lower landing area. The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(30) Lumber lifting devices. Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(31) Inspection. At the start of each work shift, equipment operators shall inspect the equipment they will use for evidence of failure or incipient failure. Equipment found to have defects which might affect the operating safety shall not be used until the defects are corrected.

(32) Cleaning pits. Safe means of entrance and exit shall be provided to permit cleaning of pits.

(33) Preventing entry to hazardous area. Where the return of trucks from unstacker to stacker is by mechanical power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-076, § 296-78-835, filed 3/4/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 96-17-056, § 296-78-835, filed 8/20/96, effective 10/15/96. Statutory Authority: RCW 49.17.040, 49.17.050 and 49.17.240. 81-18-029 (Order 81-21), § 296-78-835, filed 8/27/81.]

Chapter 296-96 WAC

SAFETY REGULATIONS AND FEES FOR ALL ELEVATORS, DUMBWAITERS, ESCALATORS AND OTHER CONVEYANCES

(Formerly chapters 296-81, 296-82, 296-84, 296-85, 296-87, 296-89, 296-91, 296-93A, 296-94, 296-95, and 296-100 WAC)

WAC

296-96-01005	When do I need a permit?
296-96-01030	What is the process for installation and alteration plan approval?
296-96-01050	How do I get a supplemental inspection?
296-96-01055	Are technical services available and what is the fee?

WAC 296-96-01005 When do I need a permit? (1) You must obtain a permit from the department before you begin constructing, altering or relocating any conveyance as described in the definitions for this chapter. To obtain your permit, you need to complete the permit application and pay the appropriate fee. Once your application is approved, a permit will be issued and you may begin work on your project.

(2) Construction and alteration permits are valid for one year from the date of issue; however, permits may be renewed if you:

(a) Apply for a renewal permit before your current permit expires;

(b) The department approves your request for a renewal permit;

(c) You pay a fifty-dollar renewal fee to the department for each permit you renew; and

(d) If your permit has expired you must reapply for a new permit.

(3) You are not required to obtain permits and pay fees for repairs and replacement associated with normal functions and necessary maintenance done with parts of equivalent materials, strength and design; or for any conveyance exempted by RCW 70.87.200.

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01005, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01005, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01030 What is the process for installation and alteration plan approval? Prior to the start of construction, you must submit to the department for approval two copies of plans for new installations or major alterations. To be approved, the plan must comply with the latest adopted edition of the American Society of Mechanical Engineers (ASME), the National Electrical Code (NEC) and applicable Washington Administrative Codes (WAC). In addition, the plans must include all information necessary in determining whether each installation/alteration complies with all applicable codes. You must keep a copy of the approved plan on the job site until the department has witnessed all acceptance tests. Any alterations to the approved plan must be submitted to the department for approval before a final inspection will be conducted. The nonrefundable fees for reviewing your plans are:

For each installation/major alteration. $25.00
If more than two sets of plans are submitted, the fee for each additional set $10.00

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01030, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01030, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01030, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01030, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01050 How do I get a supplemental inspection? Any person, firm, corporation or governmental agency can request a supplemental inspection from the department by paying a fee of $60.00 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. This fee is for inspections occurring during regular working hours.

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01050, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01050, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01050, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01050, filed 12/22/00, effective 1/22/01.]

WAC 296-96-01055 Are technical services available and what is the fee? You may request elevator field technical services from the department by paying a fee of $60.00 per hour (including travel time) plus the standard per diem and mileage allowance granted to department inspectors. These field technical services may include code evaluation, code consultation, plan examination, code interpretation and clarification of technical data relating to the application of the department's conveyance rules. Field technical services do not include inspections.

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-96-01055, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-96-01055, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-96-01055, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.87.020, 70.87.030, 70.87.034, 70.87.120, 70.87.185 and chapter 70.87 RCW. 01-02-026, § 296-96-01055, filed 12/22/00, effective 1/22/01.]

Chapter 296-104 WAC
BOARD OF BOILER RULES—SUBSTANTIVE

WAC

296-104-010	Administration—What are the definitions of terms used in this chapter?
296-104-050	Administration—What examinations must a boiler inspector take?
296-104-055	Repealed.
296-104-060	Administration—When shall an inspectors' Washington state commission be issued, suspended, or revoked?
296-104-065	Administration—How should an inspector obtain a Washington state commission?
296-104-100	Inspection—How often must boilers and unfired pressure vessels be inspected?
296-104-256	Installation—What are the required clearances for boilers?
296-104-265	Installation—What are the requirements for unfired pressure vessels installed underground?
296-104-300	Installation—What control and limit devices are required on automatically fired boilers?
296-104-307	Installation—When are platforms around boilers required?
296-104-316	Installation—What safety pressure relief devices are required on boilers and unfired pressure vessels?
296-104-320	Installation—Where should the discharge from safety pressure relief devices, blow offs and drains be directed?
296-104-325	Installation—What are the requirements for boiler and unfired pressure vessel supports?
296-104-405	Existing installation—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels?
296-104-510	Repairs—When a lap seam crack is discovered along a riveted longitudinal joint on a boiler or unfired pressure vessel, what action is required and what repairs are allowed?
296-104-515	Repairs—Do riveted repairs to boilers and unfired pressure vessels require prior approval?

296-104-520 Repairs—What are the requirements for repair of nonnuclear safety devices?
296-104-530 Repealed.
296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-104-055 Administration—What are the examination fees? [Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 03-12-051, § 296-104-055, filed 5/30/03, effective 6/30/03; 02-12-021, § 296-104-055, filed 5/28/02, effective 6/28/02; 01-12-034, § 296-104-055, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-055, filed 10/26/99, effective 11/26/99. Statutory Authority: RCW 70.79.040. 93-12-014, § 296-104-055, filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 70.79.030 and 70.79.330. 82-24-025 (Order 82-36), § 296-104-055, filed 11/23/82, effective 1/1/83; Order 74-37, § 296-104-055, filed 11/8/74; Part II, § 8, filed 3/23/60.] Repealed by 04-01-194, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW.

296-104-530 Repairs—Can air or vapor testing be performed? [Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-530, filed 10/28/98, effective 11/28/98. Statutory Authority: RCW 70.79.040. 92-11-070, § 296-104-530, filed 5/20/92, effective 6/20/92; Part VII, § 7, filed 3/23/60.] Repealed by 04-01-194, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW.

WAC 296-104-010 Administration—What are the definitions of terms used in this chapter? "Agriculture purposes" shall mean any act performed on a farm in production of crops or livestock, and shall include the storage of such crops and livestock in their natural state, but shall not be construed to include the processing or sale of crops or livestock.

"Attendant" shall mean the person in charge of the operation of a boiler or unfired pressure vessel.

"Automatic operation of a boiler" shall mean unattended control of feed water and fuel in order to maintain the pressure and temperature within the limits set. Controls must be such that the operation follows the demand without interruption. Manual restart may be required when the burner is off because of low water, flame failure, power failure, high temperatures or pressures.

"Board of boiler rules" or **"board"** shall mean the board created by law and empowered under RCW 70.79.010.

"Boiler and unfired pressure vessel installation/reinstallation permit," shall mean a permit approved by the chief inspector before starting installation or reinstallation of any boiler and unfired pressure vessel in this state.

Owner/user inspection agency's, Washington specials and rental boilers are exempt from "boiler and unfired pressure vessel installation permit."

"Boilers and/or unfired pressure vessels" - below are definitions for types of boilers and unfired pressure vessels used in these regulations:

- **"Condemned boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that has been inspected and declared unsafe or disqualified by legal requirements by an inspector who has applied a stamping or marking designating its condemnation.
- **"Hot water heater"** shall mean a closed vessel designed to supply hot water for external use to the system. All vessels must be listed by a nationally recognized testing agency and shall not exceed any of the following limits:
  * Pressure of 160 psi (1100 kpa);
  * Temperature of 210 degrees F (99°C);
  * Capacity of 120 U.S. gallons (454 liters);
  * Input of 200,000 BTU/hr (58.58 kw). Note that if input exceeds 200,000 BTU/hr (58.58 kw), other terms defined in this section may apply.
  * Hot water heaters exceeding 200,000 BTU/hr (58.58 kw) must be ASME code stamped.
  * Each vessel shall be protected with an approved temperature and pressure safety relief valve.
- **"Low pressure heating boiler"** shall mean a steam or vapor boiler operating at a pressure not exceeding 15 psig or a boiler in which water or other fluid is heated and intended for operation at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy including lined potable water heaters.
- **"Nonstandard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel that does not bear marking of the codes adopted in WAC 296-104-200.
- **"Power boiler"** shall mean a boiler in which steam or other vapor is generated at a pressure of more than 15 psig for use external to itself or a boiler in which water or other fluid is heated and intended for operation at pressures in excess of 160 psig and/or temperatures in excess of 250 degrees F by the direct application of energy from the combustion of fuels or from electricity, solar or nuclear energy.
- **"Reinstalled boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel removed from its original setting and reset at the same location or at a new location without change of ownership.
- **"Rental boiler"** shall mean any power or low pressure heating boiler that is under a rental contract between owner and user.
- **"Second hand boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel of which both the location and ownership have changed after primary use.
- **"Standard boiler or unfired pressure vessel"** shall mean a boiler or unfired pressure vessel which bears the marking of the codes adopted in WAC 296-104-200.
- **"Unfired pressure vessel"** shall mean a closed vessel under pressure excluding:
  * Fired process tubular heaters;
  * Pressure containers which are integral parts of components of rotating or reciprocating mechanical devices where the primary design considerations and/or stresses are derived from the functional requirements of the device;
  * Piping whose primary function is to transport fluids from one location to another;
  * Those vessels defined as low pressure heating boilers or power boilers.

- **"Unfired steam boiler"** shall mean a pressure vessel in which steam is generated by an indirect application of heat. It shall not include pressure vessels known as evaporators, heat exchangers, or vessels in which steam is generated by the use of heat resulting from the operation of a processing system containing a number of pressure vessels, such as used in the manufacture of chemical and petroleum products, which will be classed as unfired pressure vessels.

"Certificate of competency" shall mean a certificate issued by the Washington state board of boiler rules to a person who has passed the National Board Examination for Commissioned Inspectors.

"Code, API-510" shall mean the Pressure Vessel Inspection Code of the American Petroleum Institute with addenda and revisions, thereto made and approved by the institute which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, ASME" shall mean the boiler and pressure vessel code of the American Society of Mechanical Engineers with amendments thereto made and approved by the council of the society which have been adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Code, NBIC" shall mean the National Board Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors with addenda and revisions, thereto made and approved by the National Board of Boiler and Pressure Vessel Inspectors and adopted by the board of boiler rules in accordance with the provisions of RCW 70.79.030.

"Commission" shall mean an annual commission card issued to a person in the employ of Washington state, an insurance company or a company owner/user inspection agency holding a Washington state certificate of competency which authorizes them to perform inspections of boilers and/or unfired pressure vessels.

"Department" as used herein shall mean the department of labor and industries of the state of Washington.

"Director" shall mean the director of the department of labor and industries.

"Domestic and/or residential purposes" shall mean serving a private residence or an apartment house of less than six families.

"Existing installations" shall mean any boiler or unfired pressure vessel constructed, installed, placed in operation, or contracted for before January 1, 1952.

"Inspection, external" shall mean an inspection made while a boiler or unfired pressure vessel is in operation and includes the inspection and demonstration of controls and safety devices required by these rules.

"Inspection, internal" shall mean an inspection made when a boiler or unfired pressure vessel is shut down and handholes, manholes, or other inspection openings are open or removed for examination of the interior. An external ultrasonic examination of unfired pressure vessels less than 36" inside diameter shall constitute an internal inspection.

"Inspector" shall mean the chief boiler inspector, a deputy inspector, or a special inspector.

- **"Chief inspector"** shall mean the inspector appointed under RCW 70.79.100 who serves as the secretary to the board without a vote.
- **"Deputy inspector"** shall mean an inspector appointed under RCW 70.79.120.
- **"Special inspector"** shall mean an inspector holding a Washington commission identified under RCW 70.79.130.

"Nationwide engineering standard" shall mean a nationally accepted design method, formulae and practice acceptable to the board.

"Owner" or **"user"** shall mean a person, firm, or corporation owning or operating any boiler or unfired pressure vessel within the state.

"Owner/user inspection agency" shall mean an owner or user of boilers and/or pressure vessels that maintains an established inspection department, whose organization and inspection procedures meet the requirements of a nationally recognized standard acceptable to the department.

"Place of public assembly" or **"assembly hall"** shall mean a building or portion of a building used for the gathering together of 50 or more persons for such purposes as deliberation, education, instruction, worship, entertainment, amusement, drinking, or dining or waiting transportation. This shall also include child care centers (those agencies which operate for the care of thirteen or more children), public and private hospitals, nursing and boarding homes.

"Special design" shall mean a design using nationwide engineering standards other than the codes adopted in WAC 296-104-200 or other than allowed in WAC 296-104-230.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-010, filed 12/24/03, effective 1/24/04; 02-23-036, § 296-104-010, filed 11/13/02, effective 12/14/02; 01-24-061, § 296-104-010, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-010, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-010, filed 10/26/99, effective 11/26/99; 98-22-024, § 296-104-010, filed 10/28/98, effective 11/28/98; 96-21-081, § 296-104-010, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.040. 94-21-002, § 296-104-010, filed 10/5/94, effective 11/5/94; 93-12-014, § 296-104-010, filed 5/21/93, effective 6/21/93; 92-11-070, § 296-104-010, filed 5/20/92, effective 6/20/92. Statutory Authority: RCW 70.79.240. 88-01-064 (Order 87-25), § 296-104-010, filed 12/17/87. Statutory Authority: RCW 70.79.040 and 70.79.050. 86-01-088 (Order 85-26), § 296-104-010, filed 12/19/85; Order 72-11, § 296-104-010, filed 7/7/72; Part I, filed 3/23/60.]

WAC 296-104-050 Administration—What examinations must a boiler inspector take? In order to qualify as a prospective National Board Commissioned Inspector an applicant shall meet the minimum requirements as set forth in the national board's "Rules for Commissioned Inspectors," NB263, Revision 8 (4/02).

Application for examination for certificate of competency shall be in writing upon a form to be furnished by the chief inspector stating the school and education of the applicant, a list of employers, period of employment and position held with each employer. Applications containing willful falsification or untruthful statements shall be rejected.

If the applicant's history and experience meet with the approval of the board of boiler rules, the candidate shall be given the national board and Washington state examinations. If the applicant is accepted on the merits of these examinations or as provided for in WAC 296-104-065, a certificate of competency will be issued by the chief inspector.

Examinations shall be held at locations and times when considered necessary by the board of boiler rules. The examinations may be offered four times each year, namely, the first Wednesday and following Thursday of the months of

March, June, September and December. Special examinations may be held when considered necessary by the board.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-050, filed 12/24/03, effective 1/24/04; 02-23-036, § 296-104-050, filed 11/13/02, effective 12/14/02. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-050, filed 10/26/99, effective 11/26/99. Statutory Authority: RCW 70.79.040. 94-21-002, § 296-104-050, filed 10/5/94, effective 11/5/94. Statutory Authority: Chapter 70.79 RCW. 89-15-025 (Order 89-05), § 296-104-050, filed 7/13/89, effective 8/13/89. Statutory Authority: RCW 70.79.030. 78-03-057 (Order 78-3), § 296-104-050, filed 2/22/78; Part II, § 7, filed 3/23/60.]

WAC 296-104-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-104-060 Administration—When shall an inspectors' Washington state commission be issued, suspended, or revoked? The chief inspector shall issue a commission as a deputy or special inspector in accordance with RCW 70.79.120 and 70.79.130.

The deputy inspector commission shall be held by the chief inspector. The deputy inspector commission shall be valid for one year and may be renewed annually at the request of the chief inspector. The special inspector commission shall be held at the home office of the employing company and shall be valid for one year and may be renewed annually at the request of the employing company. Inspectors shall carry identifying commission cards while they are inspecting. The state or employing company shall return the commission and the identifying commission card at once to the chief inspector when the inspector to whom the commission was issued is no longer in its employ, or at the request of the chief inspector.

An inspector's commission may be suspended or revoked in accordance with RCW 70.79.180.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-060, filed 12/24/03, effective 1/24/04; 02-23-036, § 296-104-060, filed 11/13/02, effective 12/14/02; 02-12-021, § 296-104-060, filed 5/28/02, effective 6/28/02; 01-24-061, § 296-104-060, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-060, filed 10/26/99, effective 11/26/99. Statutory Authority: RCW 70.79.040. 94-21-002, § 296-104-060, filed 10/5/94, effective 11/5/94. Statutory Authority: RCW 70.79.030 and 70.79.330. 82-24-025 (Order 82-36), § 296-104-060, filed 11/23/82, effective 1/1/83; Order 74-37, § 296-104-060, filed 11/8/74; Part II, § 9, filed 3/23/60.]

WAC 296-104-065 Administration—How should an inspector obtain a Washington state commission? A commission as a deputy inspector of boilers and/or unfired pressure vessels may be issued by the chief inspector to an inspector complying with WAC 296-104-065 (1) or (4). Upon the request of a boiler insurance company authorized to insure and insuring against loss from explosion of boilers and/or unfired pressure vessels in this state, or a company with an owner/user inspection agency, a commission as a special inspector of boilers and/or unfired pressure vessels shall be issued by the chief inspector to an inspector in the employ and supervision of such company provided the inspector has had the experience prescribed in chapter 70-79 RCW and complies with one of the following:

(1) Passed an examination covering the Washington state boilers and unfired pressure vessels law, chapters 70.79 RCW and 296-104 WAC; and holds a national board commission.

(2) Is certified by the American Petroleum Institute in accordance with API-510 for pressure vessel inspection, having passed an examination covering the Washington state boilers and unfired pressure vessels law, chapters 70.79 RCW and 296-104 WAC.

(3) Is certified by the American Petroleum Institute in accordance with API-510 for pressure vessel inspection, and specifically and temporarily in the direct employ of an owner/user inspection agency as set forth in RCW 70.79.130. This inspector shall be exempted from the state examination requirement in WAC 296-104-065(2).

(4) Is an inspector holding the national board "A" endorsement and performs shop inspections only. This inspector shall be exempt from the exam requirement set forth in WAC 296-104-065(1).

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-065, filed 12/24/03, effective 1/24/04; 01-24-061, § 296-104-065, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-065, filed 10/26/99, effective 11/26/99; 96-21-081, § 296-104-065, filed 10/16/96, effective 11/16/96. Statutory Authority: RCW 70.79.040. 94-21-002, § 296-104-065, filed 10/5/94, effective 11/5/94. Statutory Authority: RCW 70.79.030. 78-03-057 (Order 78-3), § 296-104-065, filed 2/22/78; Order 74-37, § 296-104-065, filed 11/8/74; Part II, § 10, filed 3/23/60.]

WAC 296-104-100 Inspection—How often must boilers and unfired pressure vessels be inspected? In accordance with RCW 70.79.080, 70.79.090, and 70.79.240 the following inspection requirements shall apply:

(1) **Power boilers** shall be inspected:

(a) Internally and externally while not under pressure - Annually.

(b) Externally while under pressure - Annually.

(2) **Organic vapor boilers** shall be inspected:

(a) Internally and externally while not under pressure - Biennially.

(b) Externally while under pressure - Annually.

(3) **Low pressure heating boilers** shall be inspected:

(a) Externally while in operation and under pressure - Biennially.

(b) Where construction permits, internally while not under pressure. Also, as a minimum, an internal of their low water fuel cutoff(s) must be completed, where construction permits - Biennially.

(4) **Hot water heaters** shall be inspected:

(a) Externally - Biennially.

(b) Internally - None required.

(5) **Unfired pressure vessels** shall be inspected:

(a) Externally - Biennially.

(b) Internally:

(i) When subject to corrosion and construction permits - Biennially. Vessels in an owner/user inspection program may follow intervals established by the NBIC or API-510 eighth edition with supplements, provided nondestructive examination (NDE) is performed at the biennial external inspection.

(ii) Pulp or paper dryer rolls may be inspected on a five-year basis in accordance with TAPPI TIP 0402-16 1999 edition, provided the owner has established a written inspection

program accepted by the inspector that requires the minimums in section 8 of TAPPI TIP 0402-16 1999 edition.

(iii) Vessels not subject to corrosion do not require an internal.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-100, filed 12/24/03, effective 1/24/04; 01-24-061, § 296-104-100, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-22-026, § 296-104-100, filed 10/26/99, effective 11/26/99; 98-22-024, § 296-104-100, filed 10/28/98, effective 11/28/98; 95-19-058, § 296-104-100, filed 9/15/95, effective 10/16/95. Statutory Authority: RCW 70.79.040. 94-21-002, § 296-104-100, filed 10/5/94, effective 11/5/94; Part III, § 1, filed 3/23/60.]

WAC 296-104-256 Installation—What are the required clearances for boilers? When boilers are replaced or new boilers installed in either existing or new buildings, sufficient access must be provided for inspection, maintenance, operation, and repair. As a minimum clearance at sides, front and back wall shall be the manufacturers' recommendations, but in no case less than eighteen inches. Boilers having manholes shall have five feet clearance from the manhole opening and any wall, ceiling, or piping that will prevent a person from entering the boiler.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-256, filed 12/24/03, effective 1/24/04; 02-23-036, amended and recodified as § 296-104-256, filed 11/13/02, effective 12/14/02. Statutory Authority: RCW 70.79.030 and 70.79.040. 96-21-081, § 296-104-260, filed 10/16/96, effective 11/16/96. Statutory Authority: Chapter 70.79 RCW. 89-15-025 (Order 89-05), § 296-104-260, filed 7/13/89, effective 8/13/89; Part IV, § 13, filed 3/23/60.]

WAC 296-104-265 Installation—What are the requirements for unfired pressure vessels installed underground? Unfired pressure vessels installed underground shall comply with the following requirements:

(1) A pit with concrete or masonry sides and floor shall enclose the underground portion of the unfired pressure vessel.

(2) Pit covers shall be removable.

(3) Clearances shall be as required by WAC 296-104-260.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-265, filed 12/24/03, effective 1/24/04; 02-23-036, recodified as § 296-104-265, filed 11/13/02, effective 12/14/02. Statutory Authority: RCW 70.79.030 and 70.79.040. 97-20-109, § 296-104-320, filed 9/30/97, effective 10/31/97; Part V, § 5, filed 3/23/60.]

WAC 296-104-300 Installation—What control and limit devices are required on automatically fired boilers? (1) Installations prior to June 1989: All automatically fired steam, vapor, or hot water boilers except boilers having a constant attendant who has no other duties while the boiler is in operation, shall be equipped with:

(a) An automatic low-water fuel cutoff; and

(b) An automatic water feeding device.

(c) All devices shall be designed so that they may be readily tested at frequent intervals.

(2) Installations after June 1989:

(a) All boilers that are automatically fired low pressure steam heating boilers, small power boilers, and power steam boilers without a constant attendant who has no other duties shall be equipped with:

(i) Two high steam pressure limit controls, the highest of which shall be provided with a manual reset.

(ii) Two low-water fuel cutoffs, one of which shall be provided with a manual reset device and independent of the feed water controller.

(iii) Coil type flash steam boilers may use two high-temperature limit controls, one of which shall have a manual reset. This is instead of the low-water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(b) All automatically fired hot water supply, low-pressure hot water heating boilers, and power hot water boilers shall be equipped with:

(i) Two high-temperature limit controls, the highest of which shall be provided with a manual reset.

(ii) One low-water fuel cutoff with a manual reset and independent of the feed water controller.

(iii) For coil type hot water boilers a low-water flow limit control installed in the circulating water line may be used instead of a low-water fuel cutoff.

(iv) All control and limit devices shall be independently connected and electrically wired in series.

(3) Installations or refits of gas, oil, or combinations of gas or oil after December 1998 shall have the following additional requirements:

(a) All boilers excluding lined potable water heaters of all BTU input installed or refitted after December 1998, with fuel input ratings of less than 12,500,000 BTU/hr which are fired by gas, oil, or a combination of gas or oil shall comply with the fuel train requirements defined in ASME CSD-1 (CF), as adopted in WAC 296-104-200 where applicable.

(b) A manually operated remote shutdown switch or circuit breaker should be located just outside the boiler room door and marked for easy identification. Consideration shall be given to the type and location of the switch to safeguard against tampering.

(c) Verification of fuel train compliance will be per CSD-1. A CSD-1 report will be filled out and signed by an authorized representative of the manufacturer and/or the installing contractor.

(d) The CSD-1 report must be made available to the authorized inspection agency or the inspector after which a certificate of operation may be issued. The report shall remain in the possession of the boiler owner.

(e) A means shall be provided for testing the operation of hot water heating boiler low water fuel cutoff(s) without resorting to draining the entire system. Such means shall not render the device(s) inoperable. If the means temporarily isolates the device from the boiler during testing, it shall automatically return to its normal position.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-300, filed 12/24/03, effective 1/24/04; 02-23-036, recodified as § 296-104-300, filed 11/13/02, effective 12/14/02; 01-24-061, § 296-104-265, filed 11/30/01, effective 12/31/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-265, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-265, filed 10/28/98, effective 11/28/98; 97-20-109, § 296-104-265, filed 9/30/97, effective 10/31/97. Statutory Authority: RCW 70.79.240. 88-01-064 (Order 87-25), § 296-104-265, filed 12/17/87; Part IV, § 14, filed 3/23/60.]

WAC 296-104-307 Installation—When are platforms around boilers required? Provide platforms allowing safe access to each boiler, when the controls, valves, manholes, or casing openings are over ten feet above the floor.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-307, filed 12/24/03, effective 1/24/04; 02-23-036, recodified as § 296-104-307, filed 11/13/02, effective 12/14/02. Statutory Authority: RCW 70.79.030 and 70.79.040. 97-20-109, § 296-104-300, filed 9/30/97, effective 10/31/97; Part V, § 1, filed 3/23/60.]

WAC 296-104-316 Installation—What safety pressure relief devices are required on boilers and unfired pressure vessels? All boiler and unfired pressure vessels shall be safeguarded by safety valves, safety relief valves, or rupture discs as specified in the ASME Code. As an alternative they may be safeguarded by a fail safe pressure relief control system that is evaluated by a professional engineer knowledgeable with boilers and pressure vessels, licensed by the state of Washington, and accepted by the chief inspector.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-316, filed 12/24/03, effective 1/24/04; 02-23-036, recodified as § 296-104-316, filed 11/13/02, effective 12/14/02. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-307, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-307, filed 10/28/98, effective 11/28/98.]

WAC 296-104-320 Installation—Where should the discharge from safety pressure relief devices, blow offs and drains be directed? Discharge from safety pressure relief devices, blow offs and drains shall be directed to a safe point of discharge to prevent injury to personnel and property. Discharge lines from boilers, accumulators, or headers, with a capacity of 1,000 pounds of steam per hour or more, shall be directed outside of the building.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-320, filed 12/24/03, effective 1/24/04; 02-23-036, recodified as § 296-104-320, filed 11/13/02, effective 12/14/02. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-310, filed 10/28/98, effective 11/28/98; 97-20-109, § 296-104-310, filed 9/30/97, effective 10/31/97; Part V, § 3, filed 3/23/60.]

WAC 296-104-325 Installation—What are the requirements for boiler and unfired pressure vessel supports? Each boiler or unfired pressure vessel shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the vessel and its contents. There shall be no excessive vibration in either the vessel or its connecting piping.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-325, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030 and 70.79.040. 97-20-109, § 296-104-325, filed 9/30/97, effective 10/31/97; Part V, § 6, filed 3/23/60.]

WAC 296-104-405 Existing installation—How can the maximum allowable working pressure be established for nonstandard boilers or unfired pressure vessels? The maximum allowable working pressure MAWP shall be established as follows:

(1) For nonstandard steel low pressure steam heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 15 psi steam.

(2) For nonstandard steel low pressure water heating boilers the MAWP shall be computed from the formula in subsection (5) of this section not exceeding 30 psi.

(3) For nonstandard cast iron low pressure steam heating boilers the MAWP shall not exceed 15 psi steam.

(4) For nonstandard cast iron low pressure water heating boilers the MAWP shall not exceed 30 psi.

(5) For boilers and unfired pressure vessels not listed above, where the original code of construction is unknown, the following formula will be used.

$$\frac{TS \times t \times E}{R \times FS} = MAWP$$

TS = Tensile Strength in psi as given in ASME Code, when material cannot be identified use 55,000 for steel and 45,000 for wrought iron.

t = thickness in inches of the thinnest part determined by actual measurement.

E = efficiency of longitudinal joint or ligament, whichever is the least, determined by the rules and formula in the ASME Code. When construction methods are not known welded joint efficiency will be 70%.

R = radius of largest course in inches.

FS = Factor of Safety, for boilers shall be a minimum of 5. For boilers with a longitudinal lap seam it shall be a minimum 8. Boilers with a longitudinal lap seam, unless granted a special permit, may only be used at a maximum of 15 psi provided they have passed inspection. The minimum for unfired pressure vessels shall be 4 when less than 20 years old, 4 1/2 when over 20 years old.

(6) For miniature hobby boilers the MAWP shall be computed using the formulas referenced in the ASME Code Section I, but the MAWP may not exceed 150 psi. For these formulas the maximum allowable stress (MAS) value shall be 0.75 times the maximum stress at 400 degrees F. in ASME Code Section II Part D, for listed materials or as set by the department for nonlisted materials.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-405, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-405, filed 10/28/98, effective 11/28/98; 97-20-109, § 296-104-405, filed 9/30/97, effective 10/31/97; Part VI, § 2, filed 3/23/60.]

WAC 296-104-510 Repairs—When a lap seam crack is discovered along a riveted longitudinal joint on a boiler or unfired pressure vessel, what action is required and what repairs are allowed? A "lap seam crack" is a crack found in a riveted lap seam, extending parallel to the longitudinal joint and located either between or adjacent to rivet holes. Repairs to a "lap seam crack" on a shell or drum of any boiler or unfired pressure vessel is not allowed. The shell or drum of any boiler or unfired pressure vessel in which a lap seam crack is discovered shall be immediately discontinued from use.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-510, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-510, filed 10/28/98, effective 11/28/98; Part VII, § 3, filed 3/23/60.]

WAC 296-104-515 Repairs—Do riveted repairs to boilers and unfired pressure vessels require prior approval? Yes, riveted repairs to boilers and unfired pressure vessels requires prior approval by the chief inspector.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-515, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-515, filed 10/28/98, effective 11/28/98. Statutory Authority: RCW 70.79.030. 86-04-059 (Order 86-01), § 296-104-515, filed 2/4/86. Statutory Authority: RCW 70.79.030 and 70.79.330. 84-21-012 (Order 84-20), § 296-104-515, filed 10/5/84; Part VII, § 4, filed 3/23/60.]

WAC 296-104-520 Repairs—What are the requirements for repair of nonnuclear safety devices? The resetting, repairing, and restamping of safety valves and relief valves shall be done by a qualified manufacturer or valve repair organization holding a valid "V," "UV," or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer.

Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety valves and relief valves, except Section IV safety valves, back to the stamped set pressure. This adjustment shall be witnessed and approved by a National Board Commissioned Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V," "UV," or "VR" Certificate of Authorization, but need not be stamped.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-520, filed 12/24/03, effective 1/24/04. Statutory Authority: RCW 70.79.030 and 70.79.040. 98-22-024, § 296-104-520, filed 10/28/98, effective 11/28/98; Part VII, § 5, filed 3/23/60.]

WAC 296-104-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-104-700 What are the inspection fees—Examination fees—Certificate fees—Expenses? The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state.

Heating boilers:	Internal	External
Cast iron—All sizes	29.40	23.50
All other boilers less than 500 sq. ft.	35.40	23.50
500 sq. ft. to 2500 sq. ft.	59.00	29.40
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	23.50	11.70

Power boilers:	Internal	External
Less than 100 sq. ft.	29.40	23.50
100 sq. ft. to less than 500 sq. ft.	35.40	23.50
500 sq. ft. to 2500 sq. ft.	59.00	29.40
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	23.50	11.70

Pressure vessels:

Automatic utility hot water supply heaters per RCW 70.79.090 5.70

All other pressure vessels:

Square feet shall be determined by multiplying the length of the shell by its diameter.

	Internal	External
Less than 15 sq. ft.	23.50	17.60
15 sq. ft. to less than 50 sq. ft.	35.40	17.60
50 sq. ft. to 100 sq. ft.	41.20	23.50
For each additional 100 sq. ft. or any portion thereof	41.20	11.70

Certificate of inspection fees: For objects inspected, the certificate of inspection fee is $17.60 per object.

Boiler and pressure vessel installation/reinstallation permit (excludes inspection and certificate of inspection fee) $50.00

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours 35.40

For each hour or part of an hour in excess of 8 hours 53.00

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours 53.00

For each hour or part of an hour in excess of 8 hours 82.60

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:

For each hour or part of an hour up to 8 hours 35.40

For each hour or part of an hour in excess of 8 hours 53.00

When insurance company is authorized inspection agency:

For each hour or part of an hour up to 8 hours 53.00

For each hour or part of an hour in excess of 8 hours 82.60

Examination fee: A fee of $65.40 will be charged for each applicant sitting for an inspection examination(s).

Special inspector commission: An initial fee of $25 and an annual renewal fee of $10 will be charged.

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge the current Washington office of financial management accepted mileage cost fees or the actual cost of purchased transportation. Hotel and meals: Actual cost not to exceed the office of financial management approved rate.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of $327.60 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

[Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, 70.79.350, and chapter 70.79 RCW. 04-01-194, § 296-104-700, filed 12/24/03, effective 1/24/04; 03-12-051, § 296-104-700, filed 5/30/03, effective 6/30/03; 02-23-036, § 296-104-700, filed 11/13/02, effective 12/14/02; 02-12-021, § 296-104-700, filed 5/28/02, effective 6/28/02; 01-24-061, § 296-104-700, filed 11/30/01, effective 12/31/01; 01-12-034, § 296-104-700, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 70.79.030, 70.79.040 and chapter 70.79 RCW. 00-21-024, § 296-104-700, filed 10/10/00, effective 11/13/00. Statutory Authority: RCW 70.79.030 and 70.79.040. 99-08-049, § 296-104-700, filed 4/1/99, effective 5/2/99; 98-09-064, § 296-104-700, filed 4/20/98, effective 5/21/98. Statutory Authority: RCW 70.79.040. 93-12-014, § 296-104-700, filed 5/21/93, effective 6/21/93. Statutory Authority: RCW 70.79.030 and 70.79.330. 84-21-012 (Order 84-20), § 296-104-700, filed 10/5/84; 84-11-016 (Order 84-09), § 296-104-700, filed 5/10/84; 82-24-025 (Order 82-36), § 296-104-700, filed 11/23/82, effective 1/1/83; Order 77-23, § 296-104-700, filed 11/8/77; Emergency Order 77-22, § 296-104-700, filed 11/8/77.]

Chapter 296-115 WAC
SAFETY REQUIREMENTS FOR CHARTER BOATS

WAC

296-115-050 General requirements.

WAC 296-115-050 General requirements. (1) Application.

(a) The following rules are applicable to all vessels operated within the scope of this chapter.

(b) Where an existing vessel does not comply with a particular requirement of this section, the director may grant a temporary variance to allow time for modifications to be made.

(c) Where an existing vessel does not comply with a specific requirement contained herein but the degree of protection afforded is judged to be adequate for the service in which the vessel is used, the director may grant a permanent variance.

(2) Lifesaving equipment. Where equipment required by this section is required to be of an approved type, the equipment is required to be approved by the USCG.

(3) Lifesaving equipment required.

(a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.

(b) All life floats or buoyant apparatus must be international orange in color.

(c) In the case of vessels operating not more than one mile from land, the director may permit operation with reduced amounts of life floats or buoyant apparatus, when, in his opinion, it is safe to do so.

(d) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the director.

(e) Life floats, buoyant apparatus, or any authorized substitute must have the following equipment:

(i) A life line around the sides at least equivalent to 3/8-inch manila, festooned in bights of at least three feet, with a seine float in the center of each bight.

(ii) Two paddles or oars not less than four feet in length.

(iii) A painter of at least thirty feet in length and of at least two-inch manila or the equivalent.

(f) All vessels must have an approved adult type life preserver for each person carried, with at least ten percent additional of a type suitable for children.

(g) Life preservers must be stowed in readily accessible places in the upper part of the vessel, and each life preserver shall be marked with the vessel's name.

(h) All vessels must carry at least one life ring buoy of an approved type with sixty feet of line attached.

(i) The life ring buoy must be carried in a readily accessible location and must be capable of being cast loose at any time.

(4) Fire protection.

(a) The general construction of a vessel must minimize fire hazards.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable or combustible liquids must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required by this section, when required to be of an approved type, must be of a type approved by the USCG or other agency acceptable to the director.

(6) Fire pumps.

(a) All vessels carrying more than forty-nine passengers must carry an approved power fire pump, and all other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose. These pumps may also serve as bilge pumps.

(b) Vessels required to have a power fire pump must also have a fire main system, including fire main, hydrants, hose, and nozzles. The fire hose may be a good commercial grade garden hose of not less than 5/8 inch size.

(7) Fixed fire extinguishing system.

(a) All vessels powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower, must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces.

(b) This system must be an approved type using carbon dioxide and have a capacity sufficient to protect the space.

(c) Controls for the fixed system must be installed in an accessible location outside the space protected.

(8) Fire axe. All vessels must have one fire axe located in or near the pilothouse.

(9) Portable fire extinguishers.

(a) All vessels must have a minimum number of portable fire extinguishers of an approved type. The number required will be determined by the director.

(b) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.

(c) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(d) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-24-59211(2) and Table I (after August 31, 2001, see WAC 296-800-300).

(e) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.

(f) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the director.

(10) Means of escape.

(a) Except as otherwise provided in this section, all vessels must be provided with not less than two avenues of escape from all general areas accessible to the passengers or where the crew may be quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) Where the length of the compartment is less than twelve feet, one vertical means of escape will be acceptable under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(11) Ventilation.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.

(b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

(12) Crew and passenger accommodations.

(a) Vessels with crew members living aboard must have suitable accommodations.

(b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted to be carried.

(c) Fixed seating must be installed with spacing to provide for ready escape in case of fire or other casualty.

(d) Fixed seating must be installed as follows, except that special consideration may be given by the director if escape over the side can be readily accomplished through windows or other openings in the way of the seats:

(i) Aisles not over fifteen feet long must be not less than twenty-four inches wide.

(ii) Aisles over fifteen feet long must be not less than thirty inches wide.

(iii) Where seats are in rows the distance from seat front to seat front must be not less than thirty inches.

(e) Portable or temporary seating may be installed but must be arranged in general as provided for fixed seating.

(13) Toilet facilities and drinking water.

(a) Vessels must be provided with toilets and wash basins as specified in WAC 296-800-230, except that in the case of vessels used exclusively on short runs of approximately thirty minutes or less, the director may approve other arrangements.

(b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying forty-nine passengers and less, the director may approve other arrangements.

(c) Potable drinking water must be provided for all passengers and crew. The provisions of WAC 296-800-230 apply.

(d) Covered trash containers must be provided in passenger areas.

(14) Rails and guards.

(a) Except as otherwise provided in this section, rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails must consist of evenly spaced courses. The spacing must not be greater than twelve inches except as provided in WAC 296-115-050 (14)(f). The lower rail courses may not be required where all or part of the space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least forty-two inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least two hundred pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels in other than passenger service, the rails must be not less than thirty-six inches high, except that where vessels are used in special service, the director may approve other arrangements, but in no case less than thirty inches.

(e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See WAC 296-24-150 for detailed requirements.)

(15) Machinery installation.

(a) Propulsion machinery.

(i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull in which it is installed. Installations meeting the requirements of the

USCG or other classification society will be considered acceptable to the director.

(ii) Installations using gasoline as a fuel must meet the requirements of applicable USCG standards.

(iii) Installations using diesel fuel must meet the requirements of applicable USCG standards.

(b) Auxiliary machinery and bilge systems.

(i) All vessels must be provided with a suitable bilge pump, piping and valves for removing water from the vessel.

(ii) Vessels carrying more that forty-nine passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems.

(i) All vessels must be provided with a suitable steering apparatus.

(ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.

(iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes.

(d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the director.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-115-050, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. 00-23-100, § 296-115-050, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. 80-17-014 (Order 80-20), § 296-115-050, filed 11/13/80.]

Chapter 296-128 WAC
MINIMUM WAGES

WAC

296-128-500	Purpose.
296-128-532	Deductions for salaried, exempt employees.
296-128-533	Public employees.

WAC 296-128-500 Purpose. This regulation is adopted in accordance with chapter 49.46 RCW to define the terms "bona fide executive, administrative, or professional capacity or in the capacity of outside salesman," to define salary basis and to establish a procedure for computing overtime pay.

An employee who meets the definitions of executive, administrative, or professional and who is paid on a salary basis (except as provided for in WAC 296-128-530(5)) is considered exempt from the requirements of chapter 49.46 RCW. Payment of a salary does not in and of itself exempt a worker from the minimum wage and overtime requirements.

[Statutory Authority: RCW 49.46.005, 49.46.010, 49.46.120, and chapter 49.46 RCW. 03-03-109, § 296-128-500, filed 1/21/03, effective 2/21/03; Order 76-5, § 296-128-500, filed 2/24/76.]

WAC 296-128-532 Deductions for salaried, exempt employees. (1) **When does this section apply?** This section applies to any employee who is paid on a salary basis and who meets the definitions of executive, administrative, or professional.

(2) **What does salary basis mean?** Salary is where an employee regularly receives for each pay period of one week or longer (but not to exceed one month) a predetermined monetary amount (the salary) consisting of all or part of his or her compensation, which amount will not be less than required to be paid pursuant to WAC 296-128-510 through 296-128-530. The salary shall not be subject to deduction because of variations in the quantity or quality of the work performed, except as provided in this section. Under RCW 49.46.130 (2)(a), salaried employees may receive additional compensation or paid time off and still be considered exempt.

(3) **When are deductions from salary allowed?**

(a) If the employee performs no work in a particular week, regardless of the circumstances, the employer may deduct for the entire week.

(b) When the employee takes at least a whole day off for personal reasons other than sickness or accident, the employer may deduct in full day increments.

(c) Deductions for absences due to sickness or disability may be made in full day increments if the deduction is made according to the employer's bona fide plan, policy or practice of providing paid sick and disability leave (other than industrial accidents or disability).

(i) Deductions are permitted when either leave is exhausted or the employee has not yet qualified under the plan.

(ii) Deductions are permitted even if an employee receives compensation under that plan or under workers' compensation laws.

(d) When an employee is eligible for the federal Family and Medical Leave Act 29 U.S.C. Sec. 2611 et seq., deductions may be made for partial day absences due to leave taken according to that law and the applicable provisions in chapter 49.78 RCW.

(e) In the first and final week of employment, an employee's salary may be prorated for the actual days worked.

(f) Deductions are allowed for disciplinary absences that are imposed for violations of safety rules of major significance. This includes only those relating to the prevention of serious danger to the plant, the public, or other employees, such as rules prohibiting smoking in explosive plants or around hazardous or other flammable materials.

(g) Deductions are allowed when authorized under RCW 49.48.010, 49.52.060, or WAC 296-126-025.

(4) **What are improper deductions from salary?**

(a) Deductions are not permitted for partial days of work, except as permitted by subsection (3)(d) of this section or by WAC 296-128-533.

(b) Deductions are not permitted for lack of work for any amount of time less than a full week.

(c) Deductions are not permitted when the employee participates in jury duty, attendance as a witness, or temporary military leave if the employee performs any work during that week. The employer may, however, offset any amounts received by an employee as jury or witness fees or military pay.

(d) Deductions are not permitted for absences due to sickness or disability if the employer does not have a bona fide plan, policy or practice in place for sick or disability leave.

(e) Any other deductions not allowed under subsection (3) of this section.

(5) **Is a "window of correction" permitted?** A limited window of correction will be permitted when an improper deduction is shown to be infrequent and inadvertent and the employer immediately begins taking corrective steps to promptly resolve the improper deduction when brought to the attention of the supervisor or other appropriate representative of the employer. Such corrections will be allowed only to the extent that the deduction is not due to lack of work or part of a pattern of the same or substantially similar deductions.

(6) **What deductions may be made from leave banks?**

(a) Deductions may be made from compensatory time in any increment.

(b) Deductions may be made from bona fide leave banks in partial or full day increments. However, partial day deductions may be made only on the express or implied request of the employee for time off from work. Leave bank deductions may not be made for less than one hour.

A "bona fide leave bank" is a benefit provided to employees in the case of absence from work due to sickness or personal time off, including vacation. It must be in writing and contained in contract or agreement, or in a written policy that is distributed to employees. A leave bank policy, or a leave bank provision in a contract or agreement, is not "bona fide" if it is used as a subterfuge to circumvent or evade the requirements of this regulation.

(c) When leave banks are exhausted, deductions from salary may not be made, except as permitted in subsection (3) of this section.

[Statutory Authority: RCW 49.46.005, 49.46.010, 49.46.120, and chapter 49.46 RCW. 03-03-109, § 296-128-532, filed 1/21/03, effective 2/21/03.]

WAC 296-128-533 Public employees. (1) **How do the provisions specified in WAC 296-128-532 affect public employees?** WAC 296-128-532 (1) through (5) is applicable to public employees, except that deductions from salary or leave banks are permitted in the following additional circumstances.

(a) **Deductions from salary for partial day absences:** A public employee who otherwise meets the requirements of WAC 296-128-532 will not be disqualified from the executive, administrative, or professional exemptions on the basis that such public employee is paid according to a pay system that:

(i) Is established by statute, ordinance, or regulation, or by a policy or practice established according to principles of public accountability, under which the public employee accrues sick or personal leave (annual, vacation, etc.); and

(ii) Permits the public employee's pay to be reduced or the public employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work day when accrued leave is not used by a public employee.

(b) **Deductions from leave banks:** Deductions may be made from a public employee's accrued leave banks in any increment in accordance with any statute, ordinance, or regulation, or by a policy or practice established according to principles of public accountability.

(c) **Deductions for furlough:** Deductions from the salary of a public employee for absences where authorized by law due to a budget-required leave of absence will not disqualify the public employee from being paid on a "salary basis" except in the workweek in that the absence occurs and for which the public employee's pay is accordingly reduced.

(2) **What does "public employee" mean?** Public employee means an employee directly employed by a county, incorporated city or town, municipal corporation, state agency, institution of higher education, political subdivision or other public agency and includes any department, bureau, office, board, commission or institution of such public entities.

[Statutory Authority: RCW 49.46.005, 49.46.010, 49.46.120, and chapter 49.46 RCW. 03-03-109, § 296-128-533, filed 1/21/03, effective 2/21/03.]

Chapter 296-130 WAC
FAMILY CARE

WAC

296-130-010 Purpose.
296-130-020 Definitions.
296-130-030 Employee rights.
296-130-035 Prohibited action.
296-130-040 Employee complaints.
296-130-050 Posting.
296-130-060 Notices of infraction.
296-130-065 Service on employers.
296-130-070 Appeal of infraction notice.
296-130-080 Penalty assessment.
296-130-100 Collective bargaining not impaired.
296-130-500 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-130-500 Collective bargaining not impaired. [Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-500, filed 8/31/88.] Repealed by 03-03-010, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. Later promulgation, see WAC 296-130-100.

WAC 296-130-010 Purpose. It is in the public interest for employers to accommodate employees by providing reasonable leaves from work for family reasons. This chapter serves to establish a minimum standard allowing an employee to use the employee's sick leave or other paid time off to care for a sick family member.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-010, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-010, filed 8/31/88.]

WAC 296-130-020 Definitions. (1) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees. Employer also includes the state, any state institution, any state agency, political subdivisions of the state, and any municipal corporation or quasi-municipal corporation.

(2) "Employee" means a worker who is employed in the business of an employer. "Employee," for the purposes of this chapter, also includes workers performing in an executive, administrative, professional, or outside sales capacity.

(3) "Employ" means to engage, suffer, or permit to work.

(4) "Child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis* who is:

(a) Under eighteen years of age; or

(b) Eighteen years of age or older and incapable of self-care because of a mental or physical disability.

(5) "Grandparent" means a parent of a parent of an employee.

(6) "Parent" means a biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a child.

(7) "Parent-in-law" means a parent of the spouse of an employee.

(8) "Sick leave or other paid time off" means time allowed under the terms of an appropriate collective bargaining agreement or employer policy, as applicable, to an employee for illness, vacation, and personal holiday. It does not include any benefit which includes leave granted by short-term or long-term disability plans or policies.

(9) "Spouse" means a husband or wife, as the case may be.

(10) "Health condition that requires treatment or supervision" includes:

(a) Any medical condition requiring treatment or medication that the child cannot self administer;

(b) Any medical or mental health condition which would endanger the child's safety or recovery without the presence of a parent or guardian; or

(c) Any condition warranting treatment or preventive health care such as physical, dental, optical or immunization services, when a parent must be present to authorize and when sick leave may otherwise be used for the employee's preventive health care.

(11) "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, and any period of incapacity or subsequent treatment or recovery in connection with such inpatient care; or that involves continuing treatment by or under the supervision of a health care provider or a provider of health care services and which includes any period of incapacity (i.e., inability to work, attend school or perform other regular daily activities).

(12) "Emergency condition" means a health condition that is a sudden, generally unexpected occurrence or set of circumstances related to one's health demanding immediate action, and is typically very short term in nature.

(13) "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(14) "Physical or mental disability" means a physical or mental impairment that limits one or more activities of daily living or instrumental activities of daily living.

(15) "Infraction" means an alleged violation of RCW 49.12.270 through 49.12.295 as cited by the department.

(16) "Administrative law judge" means any person appointed by the chief administrative law judge, as defined in RCW 34.12.020(2) to preside at contested cases convened under RCW 49.12.270 through 49.12.295.

(17) "Department" means the department of labor and industries.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-020, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-020, filed 8/31/88.]

WAC 296-130-030 Employee rights. (1) If, under the terms of a collective bargaining agreement or employer policy applicable to an employee, the employee is entitled to sick leave or other paid time off, then an employer must allow an employee to use any or all of the employee's choice of sick leave or other paid time off to care for:

(a) A child of the employee with a health condition as defined in WAC 296-130-020(10); or

(b) A spouse, parent, parent-in-law, or grandparent of the employee who has a serious health condition or emergency condition, also defined in WAC 296-130-020 (11) and (12).

(2) An employee may not take leave until it has been earned. The employee taking leave under the circumstances described in this section must comply with the terms of the collective bargaining agreement or employer policy applicable to the leave, except for any terms relating to the choice of leave. Use of leave other than sick leave or other paid time off to care for a child, spouse, parent, parent-in-law, or grandparent under the circumstances described in this section shall be governed by the terms of the appropriate collective bargaining agreement or employer policy, as applicable.

Note: Many employers combine paid leave categories such as sick leave and vacation leave, often described as "paid time off" or PTO. Such PTO allows employees the choice as to their use of this leave, thereby maintaining the intent of this chapter. In addition, employers may require employees to use PTO (provided it may be used for any purpose) as a prerequisite to using leave designated for a specific purpose, such as an extended illness leave, without violating this chapter, provided other leave is available for employees to use to care for sick family members on the same terms that it is available for an employee's health condition.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-030, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-030, filed 8/31/88.]

WAC 296-130-035 Prohibited action. An employer must not discharge, threaten to discharge, demote, suspend, discipline, or otherwise discriminate against an employee because the employee:

(1) Has exercised, or attempted to exercise, any right provided under RCW 49.12.270 through 49.12.295; or

(2) Has filed a complaint, testified, or assisted in any proceeding under RCW 49.12.270 through 49.12.295.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-035, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-23-117 (Order 88-29), § 296-130-035, filed 11/23/88.]

WAC 296-130-040 Employee complaints. (1) An employee who believes that his or her employer has not complied with RCW 49.12.270 through 49.12.295, or this chapter, may file a complaint with the department within six months of the alleged violation. The complaint should contain the following:

(a) The name and address of the employee making the complaint;

(b) The name, address, and telephone number of the employer against whom the complaint is made; and

(c) A statement of the specific fact which constitutes the alleged violation, including the date(s) on which the alleged violation occurred.

(2) Upon receipt of a complaint, the department will forward written notice of the complaint to the employer, along with a warning of prohibited actions as stated in WAC 296-130-035.

(3) The department may investigate any complaint it deems appropriate. If the department determines that a violation of this chapter has occurred, it may issue a notice of infraction pursuant to WAC 296-130-060.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-040, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-040, filed 8/31/88.]

WAC 296-130-050 Posting. (1) The department will furnish each employer a poster describing an employee's rights and an employer's obligations provided in this chapter.

(2) The employer must keep posted a current edition department poster stipulating the provisions of this chapter. The employer must display this poster in a conspicuous place.

(3) The employer must post its leave policies, if any, in a conspicuous place accessible to the employees at the employer's place of business.

(4) The posting requirement for employees whose leave policies are specified by individual contracts may be satisfied by stating that leave for such employees will be governed by the terms of such contracts.

(5) Employers with informal leave policies which are established on a case-by-case basis may satisfy the posting requirement by posting a statement explaining that policy.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-050, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-050, filed 8/31/88.]

WAC 296-130-060 Notices of infraction. The department may issue a notice of infraction to an employer who violates RCW 49.12.270 through 49.12.295. The employment standards supervisor will direct that notices of infraction contain the following when issued:

(1) A statement that the notice represents a determination that the infraction has been committed by the employer named in the notice and that the determination will be final unless contested;

(2) A statement that the infraction is a noncriminal offense for which imprisonment will not be imposed as a sanction;

(3) A statement of the specific violation which necessitated issuance of the infraction;

(4) A statement of the penalty involved if the infraction is established;

(5) A statement informing the employer of the right to a hearing conducted pursuant to chapter 34.05 RCW if requested within twenty days of issuance of the infraction;

(6) A statement that at any hearing to contest the notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed, and that the employer may subpoena witnesses including the agent that issued the notice of infraction;

(7) If a notice of infraction is personally served upon a supervisory or managerial employee of a firm or corporation, the department will within ten days of service send a copy of the notice by certified mail to the employer; and

(8) Constructive service may be made by certified mail directed to the employer named in the notice of infraction.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-060, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-060, filed 8/31/88.]

WAC 296-130-065 Service on employers. (1) If an employer is a corporation or a partnership, the department is not required to serve the employer personally. In such a case, if no officer or partner of a violating employer is present, the department may issue a notice of infraction to any supervisor or managerial employee.

(2) If the department serves a notice of infraction on a supervisory or managerial employee, and not on an officer, or partner of the employer, the department will mail by certified mail a copy of the notice of infraction to the employer or registered agent of the company. The department will mail a second copy by ordinary mail.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-065, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-065, filed 8/31/88.]

WAC 296-130-070 Appeal of infraction notice. (1) If an employer desires to contest the notice of infraction issued, the employer will file two copies of a notice of appeal with the department at the office designated on the notice of infraction, within twenty days of issuance of the infraction.

(2) The department must:

(a) Conduct a hearing in accordance with chapter 34.05 RCW and chapter 10-08 WAC; and

(b) Notify the employee who filed the initial complaint that resulted in the notice of infraction.

(3) Employers may appear before the administrative law judge through counsel, or may represent themselves. The department must be represented by the office of the attorney general.

(4) All relevant evidence shall be admissible in a hearing convened pursuant to RCW 49.12.270 through 49.12.295. Admission of evidence is subject to the Administrative Procedure Act, chapter 34.05 RCW.

(5) The administrative law judge will issue a proposed decision that includes findings of fact, conclusions of law, and if appropriate, any legal penalty. The proposed decision will be served by certified mail or personally on the employer and the department. The employer or department may appeal

to the director within thirty days after the date of issuance of the proposed decision. If none of the parties appeals within thirty days, the proposed decision may not be appealed either to the director or the courts.

(6) An appellant must file with the director an original and four copies of its notice of appeal. The notice of appeal must specify which findings and conclusions are erroneous. The appellant must attach to the notice the written arguments supporting its appeal.

The appellant must serve a copy of the notice of appeal and the arguments on the other parties. The respondent parties must file with the director their written arguments within thirty days after the date the notice of appeal and the arguments were served upon them.

(7) The director or his/her designee will review the proposed decision in accordance with the Administrative Procedure Act, chapter 34.05 RCW. The director may: Allow the parties to present oral arguments as well as the written arguments; require the parties to specify the portions of the record on which the parties rely; require the parties to submit additional information by affidavit or certificate; remand the matter to the administrative law judge for further proceedings; and require a departmental employee to prepare a summary of the record for the director to review. The director shall issue a final decision that can affirm, modify, or reverse the proposed decision.

(8) The director or his/her designee will serve the final decision on all parties. Any aggrieved party may appeal the final decision to superior court pursuant to the Administrative Procedure Act, chapter 34.05 RCW unless the final decision affirms an unappealed proposed decision. If no party appeals within twenty days, the director's decision is conclusive and binding on all parties.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-070, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-070, filed 8/31/88.]

WAC 296-130-080 Penalty assessment. An employer found to have committed an infraction under RCW 49.12.270 through 49.12.295 may be assessed the maximum penalty of a fine of two hundred dollars for the first noncompliance violation. An employer that continues to violate the terms of the statute may be subject to a fine not to exceed one thousand dollars for each violation.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-080, filed 1/6/03, effective 1/6/03. Statutory Authority: RCW 43.22.270 and 1988 c 236. 88-18-044 (Order 88-20), § 296-130-080, filed 8/31/88.]

WAC 296-130-100 Collective bargaining not impaired. Nothing in this chapter will be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish leave benefits in excess of the applicable provisions of this chapter.

[Statutory Authority: RCW 49.12.033, 49.12.280, 49.12.285, 43.22.270, 2002 c 243, and chapters 49.12 and 43.22 RCW. 03-03-010, § 296-130-100, filed 1/6/03, effective 1/6/03.]

WAC 296-130-500 Repealed. See Disposition Table at beginning of this chapter.

Chapter 296-150C WAC
COMMERCIAL COACHES

WAC

296-150C-0150 How does the department regulate commercial coaches that are used as medical units as defined in chapter 296-150V WAC?
296-150C-3000 Commercial coach fees.

WAC 296-150C-0150 How does the department regulate commercial coaches that are used as medical units as defined in chapter 296-150V WAC? (1) Commercial coaches that are used as medical units may either:

(a) Comply with the requirements of this chapter; or

(b) Receive approval by the department to comply with the applicable requirements found in chapter 296-150V WAC.

(2) You must contact the department to receive the approval required in subsection (1)(b) of this section prior to using the commercial coach as a medical unit by demonstrating that the commercial coach is being used for medical unit purposes.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150C-0150, filed 5/30/03, effective 6/30/03.]

WAC 296-150C-3000 Commercial coach fees.

INITIAL FILING FEE	$30.50
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	$209.60
INITIAL FEE - ONE YEAR DESIGN	$85.90
RENEWAL FEE	$36.40
RESUBMIT FEE	$61.30
ADDENDUM (Approval expires on same date as original plan)	$61.30
ELECTRONIC PLAN SUBMITTAL FEE $4.70 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by chapter 296-46B WAC. Plan review	
for educational, institutional or health care facilities and other buildings)	
Electrical Plan submission fee	$61.30
Service/feeder Ampacity:	
0 - 100	$27.20
101 - 200	$33.90

201 - 400	$63.50
401 - 600	$74.90
601 - 800	$96.50
801 - 1000	$118.10
Over 1000	$128.10
Over 600 volts surcharge	$20.30
Thermostats:	
First	$12.10
Each additional	$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	$11.00
Each additional circuit or zone	$2.00
Generators, refer to appropriate service/feeder ampacity fees	
Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	$72.60
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	$58.80
FIRST STATION	$58.80
EACH ADDITIONAL STATION	$21.60
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	$93.50
INITIAL FEE - ONE YEAR DESIGN	$56.60
RENEWAL FEE	$56.60
ADDENDUM	$56.60
PLANS APPROVED BY PROFESSIONALS	$42.70
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	$11.60
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	$61.30
TRAVEL (Per hour)	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	$61.30
TRAVEL (Per hour*)	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	$18.70
EACH ADDITIONAL SECTION	$11.60
ALTERATION	$30.50
REISSUED-LOST/DAMAGED	$11.60
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	$61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150C-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150C-3000, filed 5/28/02, effective 6/28/02. Statu-

tory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150C-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150C-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150C-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). 97-11-053, § 296-150C-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150C-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150F WAC

FACTORY-BUILT HOUSING AND COMMERCIAL STRUCTURES

WAC

296-150F-3000 Factory-built housing and commercial structure fees.

WAC 296-150F-3000 Factory-built housing and commercial structure fees.

INITIAL FILING FEE	$54.00
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN (CODE CYCLE)	$266.00
INITIAL FEE - ONE YEAR DESIGN	$156.00
RENEWAL FEE	$54.00
RESUBMIT FEE	$78.00
ADDENDUM (Approval expires on same date as original plan.)	$78.00
ELECTRONIC PLAN SUBMITTAL FEE $4.60 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
ELECTRICAL PLAN REVIEW (When required by chapter 296-46A WAC, Plan review for educational, institutional or health care facilities and other buildings):	
Electrical Plan submission fee	$59.40
Service/feeder Ampacity:	
0 - 100	$26.40
101 - 200	$32.90
201 - 400	$61.50
401 - 600	$72.60
601 - 800	$93.50
801 - 1000	$114.40
Over 1000	$124.10
Over 600 volts surcharge	$19.70
Thermostats:	
First	$11.80
Each additional	$3.00
Low voltage fire alarm and burglar alarm:	
Each control panel and up to four circuits or zones	$10.70
Each additional circuit or zone	$2.00
Generators, refer to appropriate service/feeder ampacity fees	
Note: Altered services or feeders shall be charged the above rate per the service/feeder ampacity fees.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) will be charged per hour or fraction of an hour*	$70.30
MEDICAL GAS PLAN REVIEW:	
SUBMISSION FEE	$74.00
FIRST STATION	$74.00
EACH ADDITIONAL STATION	$27.00
RECIPROCAL PLAN REVIEW:	
INITIAL FEE-MASTER DESIGN	$119.00
INITIAL FEE-ONE YEAR DESIGN	$72.00
RENEWAL FEE	$72.00
ADDENDUM	$72.00
PLANS APPROVED BY DESIGN PROFESSIONALS	$54.00
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	$14.00
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	$69.00
TRAVEL (Per hour*)	$69.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	$69.00
TRAVEL (Per hour*)	$69.00
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	

AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	$220.00
EACH ADDITIONAL SECTION	$20.00
REISSUED-LOST/DAMAGED	$54.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	$69.00
NOTIFICATION TO LOCAL ENFORCEMENT AGENCY (NLEA)	$30.00
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	$11.30
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150F-3000, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150F-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150F-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150F-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). 97-11-053, § 296-150F-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150F-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150M WAC
MANUFACTURED HOMES

WAC

296-150M-0020 What definitions apply to this chapter?
296-150M-0049 What must be done prior to the sale of an installed manufactured or mobile home by a homeowner?
296-150M-0050 When can a manufactured home be posted with a prohibited sale or lease notice?
296-150M-0051 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice?
296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?
296-150M-0320 What must I provide to request approval of an alteration?
296-150M-0322 Data requirements for the identification of indigent persons.
296-150M-0360 When is design plan approval required for an alteration?
296-150M-0705 Definitions applicable to this part.
296-150M-0715 May the department audit the records of a contractor?
296-150M-0725 What procedures will the department follow when auditing the records of construction, plumbing and electrical contractors?
296-150M-0800 Definitions applicable to this part.
296-150M-0805 How does the department ensure that a contractor, firm, partnership, or corporation complies with the requirements of chapter 43.22 RCW?
296-150M-0810 What violations of chapter 43.22 RCW can result in the issuance of a notice of infraction?
296-150M-0815 What information must be included in a notice of infraction?
296-150M-0820 Who can be issued a notice of infraction?
296-150M-0830 How does a contractor, firm, partnership, or corporation appeal a notice of infraction?
296-150M-0835 Who presides over an appeal hearing and where is it held?
296-150M-0840 Who will represent the appellant and the department at the appeal hearing?
296-150M-0845 How is the appeal hearing conducted?
296-150M-0855 What does the department do with the appeal notices that they receive?
296-150M-0860 What monetary penalties will be assessed for an infraction issued for violations of chapter 43.22 RCW and this chapter?
296-150M-0865 When must a contractor, firm, partnership, or corporation pay assessed monetary penalties?
296-150M-3000 Manufactured home fees.

WAC 296-150M-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction, planning considerations, fire safety, or the plumbing, mechanical, and electrical systems of a manufactured home. The installation of whole-house water treatment equipment that requires cutting into the existing plumbing is considered an alteration and requires a permit, an inspection and an alteration insignia.

"Alteration insignia" is an insignia issued by the department of labor and industries to verify that an alteration to a manufactured home meets the requirements of federal law 24 CFR 3280 and this chapter.

"Anchoring system" is the means used to secure a mobile home to ground anchors or to other approved fastening devices. It may include straps, cables, turnbuckles, bolts, fasteners, and other components.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to manufactured homes, ANSI A225.1 Manufactured Homes Installation, 1994 edition, except section 3.5.2 - Ground Cover and section 4.1.3.3 - Clearance.

"Authority having jurisdiction" means that either the department of labor and industries or the local jurisdiction is responsible for establishing specific manufactured home standards. The authority for specific manufactured home standards is divided as follows:

- The department of labor and industries establishes standards for manufactured home installation and alterations and performs alteration inspections;
- The local jurisdiction establishes standards for manufactured homes governing the building site and performs installation inspections.

"Building site" is a tract, parcel, or subdivision of land on which a manufactured home is installed.

"DAPIA" is a Design Approval Primary Inspection Agency as approved by the United States Department of Housing and Urban Development.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44440, Olympia, WA 98504-4440.

"Design plan" is a design submitted to the department for approval of a manufactured home structural alteration.

This also includes other types of work and installations (plumbing, electrical, etc.) that are incidental to the structural alteration.

"Equipment" means the appliances used in the alteration or installation of a manufactured home.

Examples of appliances that require an alteration inspection include:

• Furnace;

• Water heater;

• Air conditioner; and

• Heat pump.

Examples of appliances that do not require an alteration inspection include:

• Microwave oven;

• Washer;

• Dryer; and

• Dishwasher and range that are connected to their source of power by a plug-in cord.

"Equivalent air conditioning/heat pump components" is equipment that performs the same function and is compatible with the equipment of another manufacturer, sometimes referred to as mix and match.

"Footing" is the portion of a support system that transmits loads from the manufactured home to the ground.

"Foundation skirting" or **"skirting"** is the material that surrounds and encloses the space under the manufactured home.

"Homeowner" is an individual who owns a manufactured home. Dealers, distributors, and developers are not regarded as homeowners.

"HUD" is the United States Department of Housing and Urban Development with headquarters located in Washington, D.C.

"Indigent" means a person receiving an annual income, after taxes, of one hundred twenty-five percent or less of the most recently published federal poverty level.

"Installation" is the activity needed to prepare a building site and to set a manufactured home within that site. Site means a tract, parcel, or subdivision of land including a mobile home park.

"Installed manufactured or mobile home" is a manufactured or mobile home that has been placed on either private property or in a park and has been installed for occupancy. Installation includes the approval of the blocking of the home, and the connection of the home to all of the utilities, including water, sewer and electrical.

"IPIA" is a manufactured home production Inspection Primary Inspection Agency approved by the United States Department of Housing and Urban Development. The department of labor and industries is the IPIA for Washington state.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the building site and installation of a manufactured home.

"Manufactured home" is a single-family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code. A manufactured home also:

- Includes plumbing, heating, air conditioning, and electrical systems;
- Is built on a permanent chassis; and
- Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported; or when installed on the site is three hundred twenty square feet or greater (see RCW 46.04.302).

Note: Total square feet is based on exterior dimensions measured after installation using the longest horizontal projections. Dimensions may not include bay windows but may include projections containing interior space such as cabinets and expandable rooms.

Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except the size requirements is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

"Mobile home" is a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this chapter references to manufactured homes include mobile homes.

"Park site" is the installation location of a manufactured home within a residential area for manufactured homes.

"Repair" is to restore an item to sound condition, to fix.

"Replacement" is the act or process of replacing, to substitute.

"Structural alteration-custom design" is a design that can only be used once.

"Structural alteration-master design" is a design plan that can be used more than once. The master plan expires when there is a code change applicable to the design.

"System" is part of a manufactured home designed to serve a particular function such as structural, plumbing, mechanical, or electrical functions.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0020, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.432, 43.22.434, 43.22.440, and 2001 c 335. 02-03-048, § 296-150M-0020, filed 1/9/02, effective 1/9/02. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150M-0020, filed 8/22/00, effective 9/30/00. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150M-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: Chapter 43.22 RCW. 98-14-078, § 296-150M-0020, filed 6/30/98, effective 7/31/98. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150M-0020, filed 10/23/96, effective 11/25/96.]

WAC 296-150M-0049 What must be done prior to the sale of an installed manufactured or mobile home by a homeowner? (1) Prior to the sale of any installed manufactured or mobile home, the homeowner must:

(a) Deliver to the buyer a completed property transfer disclosure statement in accordance with chapter 64.06 RCW, unless the seller is exempt or the buyer waives his or her rights pursuant to chapter 64.06 RCW. The disclosure statement must include all the criteria specified in RCW 64.06.020 and any variance(s) granted according to WAC 296-150M-0140. In addition, the homeowner must:

(i) Have all department insignia required by this chapter; or

(ii) Have all department insignia required by this chapter for alterations performed during ownership of the home and include in the property transfer disclosure statement all alterations that were known to have been performed by any previous owner or occupant of the home.

(b) Nothing in subsection (1) of this section shall have any effect on any written warranty(ies) required by RCW 46.70.135.

(c) Subsection (1)(a)(ii) of this section does not permit the sale of an unsafe manufactured or mobile home when the use of which may constitute a hazard to life, safety, or health.

(2) The homeowner may enter into a conditional sale of an altered manufactured or mobile home. A conditional sales agreement may be executed only if, prior to execution, the seller has complied with subsection (1) of this section. For purposes of this subsection "conditional sale" means an agreement between the seller and the purchaser which is contingent on the seller fulfilling the conditions established by the purchaser (i.e., the sale of the home is contingent on the seller ensuring that alterations performed to the manufactured or mobile home are in compliance with these rules).

(3) The homeowner may request an inspection by the department. If after the inspection the department determines that an alteration may constitute a hazard to life, safety, or health, the department must notify the homeowner in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

Note: In addition to the homeowner requesting an inspection by the department, any party including the buyer and/or party financing the sale may also request an inspection. The department will conduct the inspection and if after the inspection the department determines that an alteration may constitute a hazard to life, safety, or health, the department shall notify the interested parties identified by the requesting party in writing within thirty days of completing the inspection. The department may also notify the local official responsible for enforcing the fire code adopted under chapter 19.27 RCW and/or the local health officer.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0049, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.432, 43.22.434, 43.22.440, and 2001 c 335. 02-03-048, § 296-150M-0049, filed 1/9/02, effective 1/9/02.]

WAC 296-150M-0050 When can a manufactured home be posted with a prohibited sale or lease notice? (1) A manufactured home may be posted with a prohibited sale notice when:

(a) The home is being sold or offered for sale by a retailer, dealer, distributor or manufacturer and we find that the home is not an installed manufactured or mobile home per WAC 296-150M-0020 and the home has alterations without required insignia or approval; or

(b) The home is being sold or offered for sale by a homeowner and it is not an installed manufactured or mobile home per WAC 296-150M-0020.

(2) A manufactured home may be posted with a prohibited lease notice whenever the home is offered for lease by any party and we find that the home has alterations that constitute a hazard to life, safety, or health.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0050, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150M-0050, filed 10/23/96, effective 11/25/96.]

WAC 296-150M-0051 Can I sell or lease a manufactured home that has been posted with a prohibited sale or lease notice? (1) You may not sell, lease, or offer for sale a manufactured home that is posted with a prohibited sale or lease notice.

(2) A prohibited sale or lease notice shall remain posted until the code violation(s) are corrected, we inspect and approve the correction, and you pay the required fees. (See WAC 296-150M-3000.)

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0051, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0302 What are some examples of work to manufactured or mobile homes that either require or do not require a permit and inspection?

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED? Yes	No
(1) **Air Conditioner/Heat Pump**		
(a) New installation	X	
(b) Replacement	X	
(c) Reconnection after moving home	X	
(d) Repair		X
(e) Adjustment and/or maintenance		X
(2) **Bottom Board -** Repair		X
(3) **Clothes Washer**		
(a) New installation		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(4) **Clothes Dryer** (Electric)		
(a) New installation (Prewired electrical)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas clothes dryer when modifications to electrical or gas systems are performed	X	
(5) **Clothes Dryer** (Gas)		
(a) New installation (Preplumbed gas)		X
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric clothes dryer when modifications to electrical or gas systems are performed	X	
(6) **Dishwasher**		
(a) New installation	X	
(b) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED? Yes	No
(7) **Doors** (Interior and Exterior)		
(a) Additional*	X	
(b) Replacement of door that fits into the same opening		X
(8) **Electrical**		
(a) Replacing main electrical panel	X	
(b) Adding circuits	X	
(c) Extending existing circuit(s)	X	
(d) Replacing lighting fixtures	X	
(e) Replacing circuit breakers/fuses		X
(f) Replacing switches, receptacles, light bulbs, fluorescent tubes and glass or plastic shades		X
(g) Repairing bath exhaust fans		X
(h) Repairing fans in kitchen range hoods		X
(9) **Exterior Finish**		
(a) Painting		X
(b) Replacement of siding	X	
(10) **Furnace** (Electric)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(e) Replacement with gas furnace	X	
(11) **Furnace** (Gas)		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Change from LP Gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(e) Adjustment and/or maintenance		X
(f) Replacement with electric furnace	X	
(12) **Gas Lines**		
(a) New installation	X	
(b) Extend existing gas line	X	
(c) Repair	X	
(13) **Interior**		
(a) Painting, wall papering and similar finish work		X
(b) Replacement or addition of curtains, drapes, blinds, window shades and other window coverings		X
(c) Replacement of carpeting and other floor-covering materials with similar materials		X
(14) **Microwave Oven** (Over range)		
(a) New installation when electrical system modifications are performed	X	
(b) Replacement		X
(c) Repair		X
(d) Adjustment and/or maintenance		X
(15) **Microwave Oven** (Countertop)		X
(16) **Pellet Stove**		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X
(17) **Plumbing**		
(a) Adding plumbing fixtures***	X	
(b) Repairing damage***	X	
(c) Replacing fixtures***		X
(d) Repairing fixtures***		X

TYPE OF WORK	ALTERATION PERMIT AND INSPECTION REQUIRED? Yes	No
(e) Replacement/repair of shower doors and curtains		X
(18) **Range/Cook Top/Eye Level Oven** (Electric)		
(a) Replacement		
(i) Cord connected		X
(ii) Direct wired	X	
(b) Repair with approved parts		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas appliance(s)	X	
(19) **Range/Cook Top/Eye Level Oven** (Gas)		
(a) New installation	X	
(b) Replacement		X
(c) Repair with approved parts		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric appliance(s)	X	
(20) **Roofing**		
(a) Reroofing	X	
(b) Applying liquid or mastic roof sealant to a metal roof		X
(c) Repair of damaged composition shingles		X
(21) **Structural changes**		
(a) Adding a dormer*	X	
(b) Truss repairs*	X	
(c) Add opening in wall**	X	
(d) Add gypsum board to walls or ceilings	X	
(e) Repair or replacing floor decking/joists	X	
(22) **Water Heater** (Electric)		
(a) Replacement w/electric water heater	X	
(b) Repair		X
(c) Adjustment and/or maintenance		X
(d) Replacement with gas water heater	X	
(23) **Water Heater** (Gas)		
(a) Replacement w/gas water heater	X	
(b) Repair		X
(c) Change from LP gas to Natural Gas or from Natural Gas to LP gas per its listing		X
(d) Adjustment and/or maintenance		X
(e) Replacement with electric water heater	X	
(24) **Windows**		
(a) Replacement (Except bedroom egress) is same opening with no structural changes		X
(b) Replacement of bedroom egress	X	
(c) Replacement when structural changes are required	X	
(d) Replacement of glass		X
(25) **Wood Stove/Fireplace**		
(a) New installation	X	
(b) Replacement	X	
(c) Repair		X
(d) Adjustment and/or maintenance		X

* May also require a plan review. Please contact your local L&I representative.

** May also require a plan review. The department has detailed drawings you may use for openings in sidewalls. Please contact your local L&I representative.

*** Fixtures include: Faucets, sinks, lavatories, laundry tubs, water closets (toilets), tubs, showers and tub/shower combos.

NOTE: Exemption from the permit and inspection requirements shall not be deemed to grant authorization

for any work to be done in violation of the applicable code, Chapter 296-150M WAC.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0302, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.432, 43.22.434, 43.22.440, and 2001 c 335. 02-03-048, § 296-150M-0302, filed 1/9/02, effective 1/9/02.]

WAC 296-150M-0320 What must I provide to request approval of an alteration? (1) For approval of an alteration, you must complete and return our alteration permit application form. The application must contain:

(a) A description of the proposed alteration(s);

(b) Applicable specifications, engineering data, test procedures and results; and

(c) Payment of the alteration permit fee, alteration insignia fee, and any inspection fees. (See WAC 296-150M-3000.)

Note: The department may waive alteration permit fees for indigent permit applicants. (See WAC 296-150M-0322.)

(2) For approval of a structural alteration, we must approve the design plan. This is in addition to the requirements stated in subsection (1) of this section. (See WAC 296-150M-0370.)

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0320, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150M-0320, filed 10/23/96, effective 11/25/96.]

WAC 296-150M-0322 Data requirements for the identification of indigent persons. (1) Any one of the following documents shall be considered sufficient evidence upon which to base the final determination of indigent status, when the income information is annualized as may be appropriate:

(a) A "W-2" withholding statement from all employers for the previous year;

(b) Pay stubs from all employers for the previous year;

(c) An income tax return from the most recently filed calendar year;

(d) Forms approving or denying eligibility for Medicaid and/or state-funded medical assistance;

(e) Forms approving or denying unemployment compensation; or

(f) Written statements from all employers for the previous year or welfare agencies.

(2) In the event that the responsible party is not able to provide any of the documentation described above, the department shall rely upon written and signed declarations under penalty of perjury from the responsible party for making a final determination of eligibility for classification as an indigent person.

(3) Information requests, from the department to the responsible party, for the verification of income and family size shall be limited to that which is reasonably necessary to substantiate the responsible party's qualification for indigent status, and may not be used to discourage applications for such status. Only those facts relevant to eligibility may be verified.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0322, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0360 When is design plan approval required for an alteration? (1) Design plan approval is required when you make a structural alteration to your manufactured home.

(2) A structural alteration is a change to the body or frame of a manufactured home. For example:

(a) An alteration is made if you change the size of a room or the pitch of a roof on your manufactured home.

(b) Any addition such as a carport that adds structural load to the manufactured home and is not fully self-supporting is an alteration.

(c) Alterations or installations of other types of work (plumbing, electrical, etc.) that are incidental to the structural alteration.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0360, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150M-0360, filed 10/23/96, effective 11/25/96.]

WAC 296-150M-0705 Definitions applicable to this part. "Audit" means an assessment, evaluation, examination or investigation of a contractor's accounts, books and records for the purpose of verifying the contractor's compliance with RCW 43.22.360 through 43.23.390 requiring permits for alterations to manufactured and mobile homes.

"Records" include, but are not limited to, all bids, invoices, billing receipts which show that the work was performed on a manufactured/mobile home, permits purchased from labor and industries for alterations to manufactured/mobile homes, purchases of materials and payroll records.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0705, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0715 May the department audit the records of a contractor? Yes, based on RCW 43.22.434 the department may audit the records of contractors as defined in chapter 18.27, 18.106, or 19.28 RCW when the department has reason to believe that a violation of the permitting requirements has occurred.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0715, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0725 What procedures will the department follow when auditing the records of construction, plumbing and electrical contractors? The department will follow the following procedures when auditing:

(1) The time period covered by the audit may be less than one year but will not exceed three years from the date of notification of an audit.

(2) Every construction, plumbing and electrical contractor must keep records of jobs performed for at least the time frames specified in subsection (1) of this section. Upon the request of the director's authorized representative, these

records must be made available to the department for inspection within seven business days.

(3) The department's audits may include, but may not be limited to, the following:

(a) An audit to determine if the contractor performed work on a manufactured or mobile home without procuring the proper permit;

(b) An audit to determine if the contractor failed to correct within twenty days any violations noted on an alteration permit; and

(c) An audit covering a specific time period and examining a contractor's records, which may include billing information, location of where the work was performed, type of work performed, for whom the work was performed, etc.

(4) Any information obtained as a result of an audit under provisions of RCW 43.22.434 is confidential and is not open to public inspection under chapter 42.17 RCW.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0725, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0800 Definitions applicable to this part. "Administrative law judge" is any person appointed by the chief administrative law judge (as defined in RCW 34.12.020(2)) to preside at a notice of infraction appeal hearing convened under chapter 43.22 RCW.

"Appeal hearing" is any proceeding in which an administrative law judge is empowered to determine legal rights, duties or privileges of specific parties on behalf of the director.

"Appellant" means any person, contractor, firm, partnership, corporation, or other entity that has filed an appeal.

"Compliance inspector" refers to the departmental staff responsible for investigating potential violations of chapter 43.22 RCW.

"Contractor" is as defined in chapters 18.27, 18.106, and 19.28 RCW.

"Department" refers to the department of labor and industries.

"Infraction" means a violation of chapter 43.22 RCW as cited by the department's compliance inspectors.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0800, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0805 How does the department ensure that a contractor, firm, partnership, or corporation complies with the requirements of chapter 43.22 RCW? The department of labor and industries ensures that contractors, firms, partnerships, and corporations comply with the requirements of chapter 43.22 RCW and this chapter which require a permit and inspection by the department of alterations to manufactured and mobile homes by:

(1) Inspecting manufactured and mobile home job sites by the department's compliance inspectors; or

(2) Auditing the records of contractors per WAC 296-150M-0720.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0805, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0810 What violations of chapter 43.22 RCW can result in the issuance of a notice of infraction? (1) Under chapter 43.22 RCW, the department can issue a notice of infraction to a contractor for:

(a) Failure to obtain a permit before altering a manufactured or mobile home as required by chapter 296-150M WAC;

(b) Failure to correct violations noted as a result of an inspection requested as a result of having purchased a permit.

(2) Each worksite at which a violation occurs constitutes a separate infraction.

(3) Each day on which a violation occurs constitutes a separate infraction.

(4) See WAC 296-150M-0860 for the specific monetary penalties associated with each of the violations discussed in this section.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0810, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0815 What information must be included in a notice of infraction? When a contractor violates chapter 43.22 RCW, the department may issue a notice of infraction which must contain the following:

(1) A description of the violation;

(2) A statement of what is required to correct the violation;

(3) The date by which the department requires corrections to be achieved; and

(4) Notice of the individual or department office that must be contacted to obtain a permit or other compliance information.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0815, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0820 Who can be issued a notice of infraction? A contractor, firm, partnership, or corporation may be issued a notice of infraction for violations of chapter 43.22 RCW and this chapter.

The department must by certified mail send the written notice of civil penalties imposed under chapter 43.22 RCW and this chapter to the last known address of the party named in the notice.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0820, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0830 How does a contractor, firm, partnership, or corporation appeal a notice of infraction? The contractor, firm, partnership, or corporation must:

(1) File two copies of an appeal notice, specifying the reasons for the appeal, at the office designated on the notice of infraction; and

(2) File the appeal notice within twenty days of the mailing of the infraction.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0830, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0835 Who presides over an appeal hearing and where is it held? An administrative law judge from the office of administrative hearings will preside over the hearing and give a decision. The hearing shall be conducted in the county where the infraction occurred. However, both the appellant and the department have a right to ask the administrative law judge to change the hearing's location.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0835, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0840 Who will represent the appellant and the department at the appeal hearing? Appellants may either represent themselves or be represented by an attorney. The department shall be represented by the office of attorney general.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0840, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0845 How is the appeal hearing conducted? The hearing process shall be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC. All appeals of the hearing decision shall be to the superior court according to chapter 34.05 RCW.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0845, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0855 What does the department do with the appeal notices that they receive? (1) Appeal notices that are received timely are first reviewed by the department for purposes of reconsideration.

(2) Appeal notices that are not received timely will be returned to the appellant with appeal rights stated.

(3) Appeal notices that are received timely and are not reconsidered according to subsection (1) of this section are recorded and forwarded to the office of the attorney general then to the office of administrative hearings.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0855, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0860 What monetary penalties will be assessed for an infraction issued for violations of chapter 43.22 RCW and this chapter? Monetary penalties that may be assessed for a violation of chapter 43.22 RCW and this chapter are:

Monetary Penalties	Dollar Amount
First Violation	$ 200.00 *
Second Violation	$ 400.00
Third Violation	$ 800.00
Each Additional Violation	$ 1,000.00

* Minimum penalty per violation. Once a violation of chapter 43.22 RCW and this chapter becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the above table.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0860, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-0865 When must a contractor, firm, partnership, or corporation pay assessed monetary penalties? (1) If a contractor, firm, partnership, or corporation named in a notice of infraction does not choose to appeal the notice, then the contractor, firm, partnership, or corporation must pay the department the amount of the penalty prescribed for the infraction.

(2) After an administrative law judge decides that an infraction has been committed, a contractor who does not appeal the decision to a superior court, has thirty days to pay any outstanding monetary penalties.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-0865, filed 5/30/03, effective 5/30/03.]

WAC 296-150M-3000 Manufactured home fees.

INITIAL FILING FEE	$29.60
DESIGN PLAN FEES:	
STRUCTURAL ALTERATION - MASTER DESIGN (CODE CYCLE)	$119.10
STRUCTURAL ALTERATION - ONE YEAR DESIGN	$80.00
RENEWAL FEE	$35.60
RESUBMITTAL FEE	$59.40
ADDENDUM (Approval expires on the same date as original plan.)	$59.40
ELECTRONIC PLAN SUBMITTAL FEE $4.60 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT INSPECTION FEES:	
INSPECTION	
MECHANICAL	
Heat Pump	$30.00
Combination Heat Pump (new) and Furnace (replacement)	$40.00
Air Conditioning	$30.00
Combination Air Conditioning (new) and Furnace (replacement)	$40.00
Furnace Installation (gas*** or electric)	$30.00
Gas*** Piping	$30.00
Wood Stove	$30.00
Pellet Stove	$30.00
Gas*** Room Heater	$30.00
Gas*** Decorative Appliance	$30.00
Range: Changing from electric to gas***	$30.00

INITIAL FILING FEE	$29.60
Gas*** Water Heater Replacement	$20.00
Water Heater: Changing from electric to gas***	$20.00
Any combination of Furnace, Range, and Water Heater changing from electric to gas*** and includes Gas Piping charge	$60.00
ELECTRICAL	
Heat Pump	$40.00
Heat Pump (when home is prewired for a heat pump)	$10.00
Combination Heat Pump (new) and Furnace (replacement)	$50.00
Air Conditioner	$40.00
Air Conditioner (when home is prewired for an air conditioner)	$10.00
Combination Air Conditioner (new) and Furnace (replacement)	$50.00
Furnace Installation (gas or electric)	$40.00
Wood Stove (if applicable)	$40.00
Pellet Stove (if applicable)	$40.00
Gas*** Room Heater (if applicable)	$40.00
Gas*** Decorative Appliance (if applicable)	$40.00
Range: Changing from gas*** to electric	$40.00
Electric Water Heater Replacement	$40.00
Electric Water Heater replacing Gas*** Water Heater	$40.00
Each added or modified 120 volt circuit (maximum charge is two circuits)	$40.00
Each added 240 volt circuit (for other than Heat Pumps, Air Conditioners, Furnaces, Water Heaters, Ranges, Hot Tubs or Spas)	$40.00
Hot Tub or Spa (power from home electrical panel)	$40.00
Replace main electrical panel	$40.00
Low voltage fire/intrusion alarm	$40.00
Fire Safety	$40.00
Any combination of Furnace, Range and Water Heater changing from electric to gas***	$40.00
PLUMBING	
Fire sprinkler system (also requires a plan review)	$20.00
Each added fixture	$20.00
Replacement of water piping system (this includes two inspections)	$90.00
STRUCTURAL	
Inspection as part of a mechanical/fire safety installation (cut truss/floor joist, sheet rocking)	$40.00
Reroofs (may require a plan review)	$70.00
Changes to home when additions bear loads on home per the design of a professional (also requires a plan review)	$70.00
Other structural changes (may require a plan review)	$70.00
Fire Safety (may also require an electrical fire safety inspection)	$40.00
MISCELLANEOUS	
Other structural changes (may require a plan review)	$70.00
Plan Review	$80.00
OTHER REQUIRED INSPECTIONS (Per hour*)	$55.00
ALL REINSPECTIONS (Per hour*)	$55.00
INSIGNIA FEES:	
ALTERATION	$10.00
REISSUED - LOST/DAMAGED	$10.00
IPIA	
DEPARTMENT AUDIT FEES	
REGULARLY SCHEDULED IPIA AUDIT:	
First inspection on each section (one time only)	$27.10
Second and succeeding inspections of unlabeled sections (Per hour*)	$59.40
OTHER IPIA FEES:	
Red tag removal during a regularly scheduled IPIA audit (Per hour* separate from other fees)	$59.40
Red tag removal at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	$59.40
Increased frequency surveillance (Per hour* plus travel time* and mileage**)	$59.40
Attendance at manufacturers training classes (Per hour* only)	$59.40
Subpart "I" investigations (Per hour* plus travel time* and mileage**)	$59.40
Alterations to a labeled unit (Per hour* plus travel time* and mileage**)	$59.40
IPIA Issues/Responses (Per hour* Plus travel time* and mileage**)	$59.40
Monthly surveillance during a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	$59.40
Monthly surveillance at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time* and mileage**)	$59.40
Plant certifications, recertifications and addenda updates (Per hour* plus travel time* and mileage** per each inspector)	$59.40
Response to HBT Audit during a regularly scheduled IPIA audit (Per hour*)	$59.40
Response to HBT Audit at a time other than a regularly scheduled IPIA audit (Per hour* plus travel time*and mileage**)	$59.40
Alternative construction (AC) letter inspections at placement site (Per hour* plus travel time*and mileage**)	$59.40
Replacement of HUD labels (Per hour* plus travel time* and mileage**)	$59.40
State Administrative Agency (SAA) inspection fee (Per hour* plus travel time* and mileage**)	$59.40
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour plus travel time* and mileage**)	$55.00

INITIAL FILING FEE	$29.60
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	$11.30
VARIANCE INSPECTION FEE	$80.00
HOMEOWNER REQUESTED INSPECTION	$80.00
DECERTIFICATION OF A MOBILE/MANUFACTURED HOME	$80.00
DEMOLITION OF A MOBILE/MANUFACTURED HOME	$80.00
NOTE: Local jurisdictions may have other fees that apply.	
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Gas means all gases; natural, propane, etc.	

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150M-3000, filed 5/30/03, effective 5/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150M-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150M-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150M-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150M-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 70.87.030, 18.27.070, [18.27.]075, 43.22.350, [43.22.]355, [43.22.]434 and [43.22.]480(2). 97-11-053, § 296-150M-3000, filed 5/20/97, effective 6/30/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150M-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150P WAC
RECREATIONAL PARK TRAILERS

WAC

296-150P-0020 What definitions apply to this chapter?
296-150P-3000 Recreational park trailer fees.

WAC 296-150P-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, structural system, plumbing systems, fuel systems and equipment or electrical systems of a recreational park trailer.

The following changes are not considered alterations for purposes of this chapter:

• Repairs with approved parts;

• Modification of a fuel-burning appliance according to the terms of its listing; and

• Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a recreational park trailer alteration was approved by the department.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational park trailers. For the purposes of this chapter, references to ANSI mean ANSI A119.5 Recreational Park Trailers, 1998 edition.

"Approved" is approved by the department of labor and industries.

"Audit" by the department is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and recreational park trailers.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

• Floor plans relating to fire and life safety, structural, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each recreational park trailer.

• Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

• Electrical drawings. (See WAC 296-150P-0330.)

"Consumer" is a person or organization who buys or leases recreational park trailers.

"Dealer" is a person or organization whose business is offering recreational park trailers for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational park trailer manufacturer.

"National Electrical Code" see Appendix 'C' of ANSI A119.5 for reference to the appropriate edition to use for compliance.

"Recreational park trailer" is a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use, that meets the following criteria:

• Built on a single chassis, mounted on wheels;

• Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and

• Certified by the manufacturer as complying with ANSI A119.5.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational park trailer that is designed to serve a particular function such as plumbing, electrical, heating, mechanical or structural system.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150P-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150P-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340 and 43.22.420. 97-16-043, § 296-150P-0020, filed 7/31/97, effective 12/1/97.]

WAC 296-150P-3000 Recreational park trailer fees.

INITIAL FILING FEE	$30.50
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE WITHOUT STRUCTURAL REQUIREMENTS	$85.90
NEW PLAN REVIEW FEE WITH STRUCTURAL REQUIREMENTS	$113.40
RESUBMITTAL FEE	$61.30
ADDENDUM (Approval expires on same date as original plan.)	$61.30
ELECTRONIC PLAN SUBMITTAL FEE $4.70 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	$11.60
RESUBMITTAL FEE	$61.30
ADDENDUM	$61.30
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	$61.30
TRAVEL (per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	$61.30
TRAVEL (per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	$11.40
ALTERATION	$30.50
REISSUED-LOST/DAMAGED	$11.40
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	$61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year upon request)	$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150P-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150P-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150P-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150P-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150P-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-150P-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 43.22.340 and 43.22.420. 97-16-043, § 296-150P-3000, filed 7/31/97, effective 12/1/97.]

Chapter 296-150R WAC
RECREATIONAL VEHICLES

WAC

296-150R-0020 What definitions apply to this chapter?
296-150R-3000 Recreational vehicle fees.

WAC 296-150R-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or material that affects the fire and life safety provisions, plumbing systems, fuel systems and equipment or electrical systems of a recreational vehicle.

The following changes are not considered alterations for purposes of this chapter:

- Repairs with approved parts;
- Modification of a fuel burning appliance according to the terms of its listing; and
- Adjustment and maintenance of equipment.

"Alteration insignia" is an insignia which indicates a vehicle alteration was approved by the department.

"ANSI" is the American National Standards Institute, Inc., and the institute's rules applicable to recreational vehicles. For the purposes of this chapter, references to ANSI mean ANSI A119.2 Recreational Vehicles, 2002 edition.

"Approved" is approved by the department of labor and industries.

"Audit" by the department can be either a comprehensive audit or a performance audit. A comprehensive audit is the department inspection of a manufacturer's quality control procedures, comprehensive plans, and vehicles. A performance audit is the department's review of the manufacturer's audit performed by the industry association or other independent auditor.

"Comprehensive design plan" consists of the design plans and copies of drawings such as:

• Floor plans relating to fire and life safety, electrical, plumbing, liquefied petroleum (LP) and/or natural gas systems and appliances and air conditioning systems, if applicable to the plan of each vehicle.

• Plumbing line drawings which describe the size, length and location of gas piping lines, liquid and body waste lines, liquid and body waste tanks, and potable water tanks.

• Electrical drawings. (See WAC 296-150R-0330 and 296-150R-0820.)

"Consumer" is a person or organization who buys or leases recreational vehicles.

"Dealer" is a person or organization whose business is offering recreational vehicles for sale or lease.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, PO Box 44430, Olympia, WA 98504-4430.

"Equipment" is all material, appliances, fixtures, and accessories used in the manufacture or alteration of recreational vehicles or park trailers.

"Manual" is a reference containing instructions, procedures, responsibilities and other information used to implement and maintain the quality control program of a recreational vehicle manufacturer.

"National Electrical Code" see Chapter 2 of ANSI A119.2 for reference to the appropriate edition to use for compliance.

"Quality control" is the plan and method for ensuring that the manufacture, fabrication, assembly, installation, storing, handling, and use of materials complies with this chapter and ANSI.

"Recreational vehicle" is a vehicular type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own motive power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers.

"Self-certification insignia" is an insignia which is obtained under the self-certification approval process.

"State-plan insignia" is an insignia which is obtained under the state design-plan approval process.

"System" is a part of a recreational vehicle that is designed to serve a particular function such as plumbing, electrical, heating, or mechanical system.

"Vehicle" for the purposes of this chapter, is a recreational vehicle.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150R-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340 and 43.22.480. 99-13-010, § 296-150R-0020, filed 6/4/99, effective 7/5/99. Statutory Authority: RCW 43.22.340 and 43.22.420. 97-16-043, § 296-150R-0020, filed 7/31/97, effective 12/1/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]-432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150R-0020, filed 10/23/96, effective 11/25/96.]

WAC 296-150R-3000 Recreational vehicle fees.

STATE PLAN	
INITIAL FILING FEE	$30.50
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE	$85.90
RESUBMITTAL FEE	$61.30
ADDENDUM (Approval expires on same date as original plan.)	$61.30
QUALITY CONTROL/MANUAL FEES:	
INITIAL APPROVAL	$11.60
RESUBMITTAL FEE	$61.30
ADDENDUM	$61.30
ELECTRONIC PLAN SUBMITTAL FEE $4.70 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	$61.30
TRAVEL (per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	$61.30
TRAVEL (per hour)*	$61.30

PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
STATE CERTIFIED	$11.00
ALTERATION	$30.50
REISSUED-LOST/DAMAGED	$11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	$61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

SELF CERTIFICATION	
INITIAL FILING FEE	$30.50
DESIGN PLAN FEES:	
NEW PLAN REVIEW FEE (one time fee)	$85.90
RESUBMITTAL FEE	$61.30
ADDENDUM (Approval expires on same date as original plan.)	$61.30
ELECTRONIC PLAN SUBMITTAL FEE $4.70 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
SELF CERTIFICATION/MANUAL FEES:	
INITIAL APPROVAL	$11.60
RESUBMITTAL FEE	$61.30
ADDENDUM	$61.30
DEPARTMENT AUDIT FEES:	
AUDIT (per hour)*	$61.30
TRAVEL (per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING	
AIRFARE***	
DEPARTMENT INSPECTION FEES:	
INSPECTION (per hour)*	$61.30
TRAVEL (per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
SELF CERTIFIED	$11.00
ALTERATION	$30.50
REISSUED-LOST/DAMAGED	$11.00
OTHER FEES:	
FIELD TECHNICAL SERVICE (per hour* plus travel time* and mileage**)	$61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCWs AND WACs (One free copy per year)	$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
***Actual charges incurred.	

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150R-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150R-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150R-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150R-3000, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-150R-3000, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22

RCW. 98-12-041, § 296-150R-3000, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 43.22.340 and 43.22.420. 97-16-043, § 296-150R-3000, filed 7/31/97, effective 12/1/97. Statutory Authority: RCW 43.22.340, [43.22.]355, [43.22.]360, [43.22.]432, [43.22.]440 and [43.22.]480. 96-21-146, § 296-150R-3000, filed 10/23/96, effective 11/25/96.]

Chapter 296-150T WAC

FACTORY-BUILT TEMPORARY WORKER HOUSING STRUCTURES

WAC

296-150T-3000 Factory-built temporary worker housing fees.

WAC 296-150T-3000 Factory-built temporary worker housing fees.

INITIAL FILING FEE	$42.70
DESIGN PLAN FEES:	
INITIAL ONE YEAR DESIGN	$123.00
RENEWAL FEE	$42.70
RESUBMIT FEE	$61.30
ADDENDUM (Approval expires on same date as original plan)	$61.30
ELECTRONIC PLAN SUBMITTAL FEE $4.70 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
Supplemental submissions of plans (resubmittals, addendums, renewals, code updates, etc.) shall be charged per hour or fraction of an hour*	$72.76
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	$11.60
DEPARTMENT INSPECTION FEES	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	$61.30
TRAVEL (Per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	$61.30
TRAVEL (Per hour*)	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	$172.40
EACH ADDITIONAL SECTION	$16.80
REISSUED-LOST/DAMAGED	$42.70
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	$61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free per year)	$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments	
** Per state guidelines	
*** Actual charges incurred	

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150T-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150T-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150T-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 43.22.480. 99-12-079, § 296-150T-3000, filed 5/28/99, effective 6/28/99.]

Chapter 296-150V WAC

CONVERSION VENDOR UNITS AND MEDICAL UNITS

WAC

296-150V-0020 What definitions apply to this chapter?
296-150V-0800 What codes apply to conversion vendor units or medical units?
296-150V-1090 What are the standards for equipment and installations?
296-150V-1220 Repealed.
296-150V-1530 What general plumbing requirements apply?
296-150V-1600 What are the requirements associated with medical and conversion vending units that have been manufactured and used outside the state according to RCW 43.22.380?
296-150V-3000 Conversion vendor units and medical units—Fees.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-150V-1220 What code and installation requirements apply to conversion vendor unit or medical unit electrical systems? [Statutory Authority: RCW 43.22.340, 43.22.350, 43.22.355, 43.22.360, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.450, 43.22.480, and 43.22.485. 00-17-148, § 296-150V-1220, filed 8/22/00, effective 9/30/00. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-1220, filed 8/31/99, effective 10/1/99.] Repealed by 03-12-044, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW.

WAC 296-150V-0020 What definitions apply to this chapter? "Alteration" is the replacement, addition, modification, or removal of any equipment or installation that affects the construction for concentrated floor loads, fire and life safety, or the plumbing, mechanical, and electrical systems of a conversion vendor unit or medical unit.

The following are not considered alterations:

• Repairs with approved parts;

• Modifications of a fuel-burning appliance according to the listing agency's specifications; or

• Adjustment and maintenance of equipment.

"Approved" is approved by the department of labor and industries.

"Consumer" is a person or organization, excluding a manufacturer or dealer of conversion vendor units or medical units, who buys or leases a conversion vendor unit or medical unit.

"Conversion vendor unit" means a motor vehicle or other structure that has been converted or built for the purpose of being used for commercial sales at temporary locations. The units must be 8 feet 6 inches or less in width (exterior floor measurement) in the set-up position, and the inside working area must be less than 40 feet in length (interior floor measurement). Conversion vendor units:

• Are transported in only one section;

• Are designed for highway use;

• Are temporarily occupied for distribution of items, e.g., food;

• Are built on a permanent chassis; and

• Include at least one of the following systems: Plumbing, mechanical or 120 and/or 240 volt electrical.

"Damaged in transit" means damage that affects the integrity of a concentrated floor load design or any of the systems.

"Dealer" is a person, company, or corporation whose business is leasing, selling, offering for lease or sale, buying, or trading conversion vendor units, or medical units.

"Department" is the department of labor and industries. The department may be referred to as "we" or "us" in this chapter. Note: You may contact us at: Department of Labor and Industries, Specialty Compliance, P.O. Box 44440, Olympia, WA 98504-4440.

"Design plan" is a plan for the construction or alteration of a conversion vendor unit or medical unit or conversion of a vehicle to a conversion vendor unit or medical unit including floor plans, specifications, or test results necessary for a complete evaluation of the design, if applicable.

"Design option" is a design that a manufacturer may use as an option to its conversion vendor unit or medical unit design plan.

"Equipment" is all material, appliances, devices, fixtures, fittings, or accessories used in the manufacture, assembly, conversion to, or alteration of a conversion vendor unit or medical unit.

"Factory assembled structure (FAS) advisory board" is a board authorized to advise the director of the department regarding the issues and adoption of rules relating to conversion vendor units and medical units.

"Insignia" is a label that we attach to a conversion vendor unit or medical unit to verify that the structure meets the requirements of this chapter and the applicable codes.

"Install" is to erect, construct, assemble, or set a conversion vendor unit or medical unit in place.

"Labeled" is to bear the department's insignia.

"Listed" is a piece of equipment or apparatus that has been approved by a testing agency to the appropriate standard.

"Local enforcement agency" is an agency of city or county government with power to enforce local regulations governing the installation of a conversion vendor unit or medical unit.

"Medical unit" is a type of self-propelled unit used to provide medical examinations, treatments, and medical and dental services or procedures, not including emergency response vehicles, and which:

• Is transportable;

• Is temporarily placed and used;

• Is built on a permanent chassis;

• Includes at least one system;

• Is for temporary use only.

"One-year design plan" is a design plan that expires one year after approval or when a new state building code has been adopted.

"System" is part of a conversion vendor unit or medical unit designed to serve a particular function. Examples include plumbing, electrical, or mechanical systems.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150V-0020, filed 5/30/03, effective 6/30/03. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-0020, filed 8/31/99, effective 10/1/99.]

WAC 296-150V-0800 What codes apply to conversion vendor units or medical units? (1) A conversion vendor unit or medical unit must comply with the following codes where applicable:

(a) The Uniform Mechanical Code, with the amendments made by the Washington State Building Code Council, chapter 51-42 WAC.

(b)(i) For conversion vending units Article 551, Parts I through VI of National Electrical Code/National Fire Protection Agency (NFPA) 70, 2002 edition or Article 552, Parts I through V Article of National Electrical Code/National Fire Protection Agency (NFPA) 70, 2002 edition.

(ii) For medical units the National Electrical Code as referenced in chapter 19.28 RCW and chapter 296-46A WAC, installing electric wires and equipment.

(c) Chapter 7 of American National Standards Institute (ANSI) A119.2, 2002 edition or the Uniform Plumbing Code as adopted and amended according to chapter 19.27 RCW.

(d) The Washington State Building Code Council, chapter 51-40 WAC, Uniform Building Code, Chapter 11, Accessibility as applies to the exterior of the unit relating to customer service facilities in section 1105.4.7.

(e) The Washington State Energy Code, as adopted according to chapter 19.27A RCW, and the Washington State Ventilation and Indoor Air Quality Code, chapter 51-13 WAC, when heating and/or air conditioning is installed.

(2) Provide minimum health and safety to the occupants of conversion vendor units and medical units and the public, and demonstrate journeyman quality of work of the various trades.

(3) Requirements for any size, weight, or quality of material modified by the terms "minimum," "not less than," "at least," and similar expressions are minimum standards. The conversion vendor unit or medical unit may exceed these rules provided the deviation does not result in inferior installation or defeat the purpose and intent of this chapter.

Exception: Sign circuits required by Article 600 of the National Electrical Code will not be required.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150V-0800, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150V-0800, filed 5/28/02, effective 6/28/02. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-0800, filed 8/31/99, effective 10/1/99.]

WAC 296-150V-1090 What are the standards for equipment and installations? The manufacturer's equipment and installation specifications must be followed. Other approved standards are acceptable when:

- Installed according to the manufacturer's installation instructions; and
- Approved by a listing or testing agency.

Note: Gas furnaces, gas water heaters, and gas refrigerators must be sealed combustion or completely separated from the interior of the conversion vendor unit or medical unit.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150V-1090, filed 5/30/03, effective 6/30/03. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-1090, filed 8/31/99, effective 10/1/99.]

WAC 296-150V-1220 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-150V-1530 What general plumbing requirements apply? This chapter also applies to the installation of plumbing equipment in any conversion vendor unit or medical unit bearing or required to bear a department insignia. Plumbing fixtures, equipment, and installations in conversion vendor units and medical units must conform to the provisions of Chapter 7 of ANSI 119.2, 2002 edition or the Uniform Plumbing Code and the amendments adopted by the State Building Code Council, except part 1, unless specifically exempted or required by this section. The following also apply:

(1) We will allow a 1-1/4 inch drain for handwashing sinks with an antisiphon vent.

(2) An antisiphon vent will be allowed on one and two compartment sinks in units as long as there is one vent to the exterior so the system will function. Sinks with three or more compartments must be installed as required by the Uniform Plumbing Code.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150V-1530, filed 5/30/03, effective 6/30/03. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-1530, filed 8/31/99, effective 10/1/99.]

WAC 296-150V-1600 What are the requirements associated with medical and conversion vending units that have been manufactured and used outside the state according to RCW 43.22.380? (1) If the unit does not have any alterations made to body and frame design, construction, plumbing, heating or electrical installations since it was constructed, it will need an insignia issued by the department. In order to receive the insignia, the unit must have been:

(a) Manufactured outside the state of Washington. Proof of this must be demonstrated by a certificate of origin, bill of sale, proof of purchase of materials, manufacture identification tag or serial number, or any other means acceptable to the department that shows that the unit was manufactured outside the state.

(b) Used outside the state for at least six months or more. Proof of this must be demonstrated by showing the purchase of a license plate, a permit(s) issued by another state agency for use in another state, insurance certificate, bill of sale, or any other means acceptable to the department that shows that the unit was used outside the state for at least six months.

(2) If the unit has had alterations made to the body and frame design, construction, plumbing, heating or electrical installations since it was constructed, it will need an insignia issued by the department. In order to receive the insignia, the alterations to the unit must be inspected and approved by the department and the unit must have been:

(a) Manufactured outside the state of Washington. Proof of this must be demonstrated by a certificate of origin, bill of sale, proof of purchase of materials, manufacture identification tag or serial number, or any other means acceptable to the department that shows that the unit was manufactured outside the state.

(b) Used outside the state for at least six months or more. Proof of this must be demonstrated by showing the purchase of a license plate, a permit(s) issued by another state agency for use in another state, insurance certificate, bill of sale, or any other means acceptable to the department that shows that the unit was used outside the state for at least six months.

[Statutory Authority: RCW 43.22.340, 43.22.400, 43.22.432, 43.22.433, 43.22.434, 43.22.480, and 43.22.485, 2002 c 268, and chapter 43.22 RCW. 03-12-044, § 296-150V-1600, filed 5/30/03, effective 6/30/03.]

WAC 296-150V-3000 Conversion vendor units and medical units—Fees.

INITIAL FILING FEE	$30.50
DESIGN PLAN FEES:	
INITIAL FEE - MASTER DESIGN	$209.60
INITIAL FEE - ONE YEAR DESIGN	$85.90
RENEWAL FEE	$36.70
RESUBMIT FEE	$61.30
ADDENDUM (Approval expires on same date as original plan)	$61.30
ELECTRONIC PLAN SUBMITTAL FEE $4.70 per page for the first set of plans and $0.30 per page for each additional set of plans. These fees are in addition to any applicable design plan fees required under this section.	
RECIPROCAL PLAN REVIEW:	
INITIAL FEE - MASTER DESIGN	$93.50
INITIAL FEE - ONE YEAR DESIGN	$56.60
RENEWAL FEE	$56.60
ADDENDUM	$56.60
APPROVAL OF EACH SET OF DESIGN PLANS BEYOND FIRST TWO SETS	$11.60
DEPARTMENT INSPECTION FEES:	
INSPECTION/REINSPECTION (Per hour* plus travel time* and mileage**)	$61.30
TRAVEL (Per hour)*	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
DEPARTMENT AUDIT FEES:	
AUDIT (Per hour*)	$61.30
TRAVEL (Per hour*)	$61.30
PER DIEM**	
HOTEL***	
MILEAGE**	
RENTAL CAR***	
PARKING***	
AIRFARE***	
INSIGNIA FEES:	
FIRST SECTION	$17.80
ALTERATION	$30.50
REISSUED-LOST/DAMAGED	$11.60
OTHER FEES:	
FIELD TECHNICAL SERVICE (Per hour* plus travel time* and mileage**)	$61.30
PUBLICATION PRINTING AND DISTRIBUTION OF RCW'S AND WAC'S (One free copy per year upon request)	$11.60
* Minimum charge of 1 hour; time spent greater than 1 hour is charged in 1/2 hour increments.	
** Per state guidelines.	
*** Actual charges incurred.	

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-150V-3000, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-150V-3000, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-150V-3000, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapter 43.22 RCW. 99-18-069, § 296-150V-3000, filed 8/31/99, effective 10/1/99.]

Chapter 296-155 WAC

SAFETY STANDARDS FOR CONSTRUCTION WORK

WAC

296-155-145 Occupational noise exposure.
296-155-210 Hearing protection.
296-155-300 Accident prevention signs and tags.
296-155-305 Signaling and flaggers.
296-155-310 Barricades.
296-155-315 Definitions applicable to this part.

WAC 296-155-145 Occupational noise exposure. The occupational noise exposure requirements of chapter 296-817 WAC, Hearing loss prevention (noise), apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-11-060, § 296-155-145, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.040 and 49.17.050. 85-01-022 (Order 84-24), § 296-155-145, filed 12/11/84; 83-15-017 (Order 83-19), § 296-155-145, filed 7/13/83, effective 9/12/83; Order 76-29, § 296-155-145, filed 9/30/76; Order 74-26, § 296-155-145, filed 5/7/74, effective 6/6/74.]

WAC 296-155-210 Hearing protection. The hearing protection requirements of chapter 296-817 WAC, Hearing loss prevention (noise), apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-11-060, § 296-155-210, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.040 and 49.17.050. 83-24-013 (Order 83-34), § 296-155-210, filed 11/30/83; Order 74-26, § 296-155-210, filed 5/7/74, effective 6/6/74.]

WAC 296-155-300 Accident prevention signs and tags. (1) General. Signs and symbols required by this section shall be visible at all times when work is being performed, and shall be removed or covered promptly when the hazards no longer exist.

(2) Danger signs.

(a) Danger signs (see Figure E-1) shall be used only where an immediate hazard exists.

(b) Danger signs shall have red as the predominating color for the upper panel; black outline on the boarders; and a white lower panel for additional sign wording.

(3) Caution signs.

(a) Caution signs (see Figure E-2) shall be used only to warn against potential hazards or to caution against unsafe practices.

(b) Caution signs shall have yellow as the predominating color; black upper panel and borders; yellow lettering of "caution" on the black panel; and the lower yellow panel for additional sign wording. Black lettering shall be used for additional wording.

Place illustration here.

FIGURE E-1

Place illustration here.

FIGURE E-2

(4) Exit signs.

(a) Every exit sign shall have the word "exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

(b) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) Safety instruction signs. Safety instruction signs, when used, shall be white with green upper panel with white letters to convey the principal message. Any additional wording on the sign shall be black letters on the white background.

(6) Directional signs. Directional signs, other than automotive traffic signs specified in subsection (7) of this section, shall be white with a black panel and a white directional symbol. Any additional wording on the sign shall be black letters on the white background.

(7) Traffic signs.

(a) Construction areas shall be posted with legible traffic signs at points of hazard.

(b) All traffic control signs or devices used for protection of construction workers shall conform to and be set up according to Part VI of the Manual on Uniform Traffic Control Devices (MUTCD), 1988 Edition, Revision 4, 1995, as amended by the Washington state department of transportation (M24-01) or the Millennium Edition, December 2000, FHWA.

Note: • You may purchase copies of the MUTCD by writing:
U.S. Government Printing Office
Superintendent of Documents
Mail Stop: SSOP
Washington D.C. 20402-9328
• You may read a copy of the MUTCD at any department of labor and industries (L&I) service location.

(8) Accident prevention tags.

(a) Accident prevention tags shall be used as a temporary means of warning employees of an existing hazard, such as defective tools, equipment, etc. They shall not be used in place of, or as a substitute for, accident prevention signs.

(b) Specifications for accident prevention tags similar to those in Table E-1 shall apply.

(i) Additional rules. American National Standards Institute (ANSI) Z35.1-1972, Specifications for Accident Prevention signs, and Z35.2-1968, Specifications for Accident Prevention Tags, contain rules which are additional to the rules prescribed in this section. The employer shall comply with

ANSI Z35.1-1972 and Z35.2-1968 with respect to rules not specifically prescribed in this part.

Place illustration here.

TABLE E-1

White tag-White letters on red square	White tag-White letters on red oval with a black square	Yellow tag-Yellow letters on a black background	White tag-White letters on black background
Basic Stock (Background)	Safety Colors (Ink)		Copy Specification (Letters)
White	Red		Do Not Operate
White	Black and Red		Danger
Yellow	Black		Caution
White	Black		Out of Order-Do Not Use

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-075, § 296-155-300, filed 3/4/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 93-19-142 (Order 93-04), § 296-155-300, filed 9/22/93, effective 11/1/93; 93-01-067 (Order 92-15), § 296-155-300, filed 12/11/92, effective 1/15/93. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-300, filed 1/21/86; Order 74-26, § 296-155-300, filed 5/7/74, effective 6/6/74.]

WAC 296-155-305 Signaling and flaggers. (1)(a) Except as otherwise required in these rules, traffic control devices, signs and barricades must be set up and used according to the guidelines and recommendations in Part VI of the Federal Highway Administration's Manual on Uniform Traffic Control Devices (MUTCD), 1988 Edition-Revision 4, 1995, or the Millennium Edition.

(b) Job site workers with specific traffic control responsibilities must be trained in traffic control techniques, device usage, and placement.

Note:

• You may purchase copies of the MUTCD by writing:

U.S. Government Printing Office
Superintendent of Documents
Mail Stop: SSOP,
Washington D.C. 20402-9328

• You may read a copy of the MUTCD at any department of labor and industries (L&I) service location.

(2)(a) Flaggers or other appropriate traffic controls must be used when signs, signals, and barricades do not provide necessary protection from traffic at operations on or adjacent to a highway or street.

(b) Flaggers are to be used only when other reasonable traffic control methods will not adequately control traffic in the work zone.

(3) Flagger signaling directions must conform to the guidelines and recommendations of MUTCD, 1988 Edition-Revision 4, Part VI, 1995, as amended by the Washington state department of transportation (WSDOT) pamphlet, "*Washington State Modifications to the MUTCD*." (M 24-01)

(4)(a) Flagger hand signaling must be by sign paddles or lights approved by WSDOT. During emergency situations, red flags may be used to draw a driver's attention to particularly hazardous conditions. In nonemergency situations, a red flag may be held in a flagger's free hand to supplement the use of a sign paddle or lights.

(b) When sign paddles are used, they must comply with the requirements of MUTCD, 1988 Edition-Revision 4, Part VI, 1995. Specifically, sign paddles:

• Must be at least 18 inches in diameter;

• Printed with letters at least 6 inches high;

• The "STOP" side of the paddle must have a red background with white lettering; and

• The "SLOW" side of the paddle must have an orange background with black lettering.

(c) When hand signaling is used during periods of darkness, sign paddles must be retroreflective or illuminated in the same manner as signs.

(5)(a) While flagging during daylight hours, a flagger must, at a minimum, wear:

• A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel. Specifically, a garment containing at least 775 square inches of background material and 201 square inches of retroreflective material that encircles the torso and is placed to provide 360 degrees visibility around the flagger. The acceptable high visibility colors are fluorescent yellow-green, fluorescent orange-red or fluorescent red; and

• A high visibility hard hat. The acceptable high visibility colors are white, yellow, yellow-green, orange or red.

• When snow or fog limit visibility, a flagger must wear pants of any high visibility color other than white.

(b) While flagging during hours of darkness, a flagger must at least wear:

• A high visibility safety garment designed according to Class 2 specifications in ANSI/ISEA 107-1999 over white coveralls, or other coveralls or trousers that have retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 standards; and

• A high visibility hard hat that is marked with at least 12 square inches of retroreflective material applied to provide 360 degrees of visibility.

• For the purpose of this rule, "hours of darkness" means one-half hour before sunset and one-half hour after sunrise.

• When snow or fog limit visibility, pants, coveralls, or rain gear in a highly visible color with retroreflective banding on the legs designed according to ANSI/ISEA 107-1999 must be worn.

Note: High visibility safety garments made of mesh material may be worn by flaggers if they meet the chromaticity requirements of ANSI/ISEA 107-1999, American National Standard for High-Visibility Safety Apparel.

Note:

• You may purchase copies of ANSI/ISEA 107-1999 by writing:

American National Standards Institute
11 West 42nd Street
New York, NY 10036

or

Contacting the ANSI web site at:
http://web.ansi.org/

• You may read a copy of ANSI/ISEA 107-1999 at any Washington state library.

(6)(a) Each flagger must be trained every three years.

(b) Flagger training must be based upon the Manual on Uniform Traffic Control Devices - 1988 Edition-Revision 4, Part VI, 1995 as amended by the Washington state department of transportation pamphlet, "*Washington State Modifications to the MUTCD*." (M 24-01)

(c) Personnel that have not completed a flagger-training course may be assigned duties as flaggers only during emergencies when a sudden, generally unexpected, set of circumstances demands immediate attention. Such emergency assignments are temporary and last only until a certified flagger can be put into the position. For the purpose of this rule, "emergency" means an unforeseen occurrence endangering life, limb, or property.

(7)(a) Each flagger must have in their possession either a valid Washington traffic control flagger card or a valid flagger card from a state, such as Oregon, Idaho or Montana, having flagger training reciprocity with Washington.

(b) The flagger card must show the following:

• Verification that the flagger training prescribed in subsection (6) of this section is completed;

• Date the flagger received their flagger training;

• Name of the instructor providing the flagger training;

• Name of the state that issued the flagger card;

• The card's expiration date; and

• Flagger's picture or a statement that says "valid with photo ID."

(8) When it is not possible to position work zone flaggers so they are not exposed to traffic or equipment approaching them from behind, the employer, responsible contractor and/or project owner must develop and use a method to ensure that flaggers have adequate warning of such traffic and equipment approaching from behind the flagger.

Note: The following are some nonmandatory examples of methods that may be used to adequately warn flaggers:

• Mount a mirror on the flagger's hard hat.

• Use a motion detector with an audible warning.

• Use a spotter.

• Use "jersey" barriers.

The department recognizes the importance of adequately trained flaggers and supports industry efforts to improve the quality of flagger training. However, training alone is not sufficient to comply with the statutory requirement of revising flagger safety standards to improve options available that ensure flagger safety and that flaggers have adequate visual warning of objects approaching from behind them. Likewise, the department believes that standard backup alarms, which are already required on construction equipment, do not meet the intent of the legislature on this issue.

(9)(a) The employer, responsible contractor and/or project owner must conduct an orientation that familiarizes the flagger with the job site each time the flagger is assigned to a new project or when job site conditions change significantly. The orientation must include, but is not limited to:

• The flagger's role and location on the job site;

• Motor vehicle and equipment in operation at the site;

• Job site traffic patterns;

• Communications and signals to be used between flaggers and equipment operators;

• On-foot escape route; and

• Other hazards specific to the job site.

(b) When flaggers are used on a job that will last more than one day, the employer, responsible contractor and/or project owner must keep on-site, a current site specific traffic control plan. The purpose of this plan is to help move traffic through or around the construction zone in a way that protects the safety of the traveling public, pedestrians and workers. The plan must include, but is not limited to, such items as the following when they are appropriate:

• Sign use and placement;

• Application and removal of pavement markings;

• Construction;

• Scheduling;

• Methods and devices for delineation and channelization;

• Placement and maintenance of devices;

• Placement of flaggers;

• Roadway lighting;

• Traffic regulations; and

• Surveillance and inspection.

(10) For all flagging operations a three (3) sign advance warning sequence is required on all roadways with a speed limit below 45 mph. A four (4) sign advance warning sequence is required on all roadways with a 45 mph or higher speed limit.

Note: The following table contains required spacing for advance warning sign placement.

Road Type	Distances	Between	Advance Warning	Signs
	A	B	C	D
Urban low speed*	200 ft.	200 ft.	200 ft.	N/A
Urban high speed*	350 ft.	350 ft.	350 ft.	350 ft.
Rural	500 ft.	500 ft.	500 ft.	500 ft.
Expressway/Freeway	1,000 ft.	1,600 ft.	2,600 ft.	2,600 ft.

* Speed category to be determined by Washington state department of transportation in cooperation with local jurisdictions.

(11) To protect flaggers, employers, responsible contractors and/or project owners must ensure that:

(a) Flagger workstations are illuminated during hours of darkness by floodlights.

• In no case must floodlighting be permitted to create a disabling glare for drivers. The adequacy of floodlight placement and elimination of potential glare can best be determined by driving through and observing the floodlighted area from each direction on the main roadway after initial floodlight setup.

• Emergency situations are exempt from these illumination requirements. For the purpose of this rule, "emergency" means an unforeseen occurrence endangering life, limb, or property.

(b) Warning signs reflect the actual condition of the work zone. When not in use, warning signs must either be taken down or covered.

(c) Flaggers are not assigned other duties while engaged in flagging activities.

(d) Flaggers do not use devices (for example, cell phones, pagers, radio headphone, etc.,) that may distract the vision, hearing, or attention of the flagger. Devices such as two-way radios used for communications between flaggers to direct traffic or ensure flagger safety are acceptable.

(e) Flaggers receive appropriate breaks from flagging so they can remain attentive and alert. For the purpose of this rule, "appropriate break" means a rest period of at least 10 minutes, on the employer's time, for each 4 hours of working time.

• Rest periods must be scheduled as near as possible to the midpoint of the work period.

• A flagger must not be allowed to work more than three hours without a rest period.

• Scheduled rest periods are not required where the nature of the work allows a flagger to take intermittent rest periods equivalent to 10 minutes for each 4 hours worked.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-075, § 296-155-305, filed 3/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, 2000 c 239, and chapter 34.05 RCW. 01-04-015, § 296-155-305, filed 1/26/01, effective 2/28/01. Statutory Authority: Chapter 49.17 RCW. 93-19-142 (Order 93-04), § 296-155-305, filed 9/22/93, effective 11/1/93; 93-01-067 (Order 92-15), § 296-155-305, filed 12/11/92, effective 1/15/93; 89-11-035 (Order 89-03), § 296-155-305, filed 5/15/89, effective 6/30/89. Statutory Authority: RCW 49.17.040 and 49.17.050. 86-03-074 (Order 86-14), § 296-155-305, filed 1/21/86; Order 76-6, § 296-155-305, filed 3/1/76; Order 74-26, § 296-155-305, filed 5/7/74, effective 6/6/74.]

WAC 296-155-310 Barricades. Barricades for protection of employees shall conform to the portions of Part VI of the Manual on Uniform Traffic Control Devices (MUTCD), 1988 Edition, Revision 4, 1995, as amended by the Washington state department of transportation, (M24-01) or the Millennium Edition, December 2000, FHWA.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-075, § 296-155-310, filed 3/4/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 93-19-142 (Order 93-04), § 296-155-310, filed 9/22/93, effective 11/1/93; Order 74-26, § 296-155-310, filed 5/7/74, effective 6/6/74.]

WAC 296-155-315 Definitions applicable to this part. (1) "Barricade" means an obstruction to deter the passage of persons or vehicles.

(2) "Signs" are the warnings of hazard, temporarily or permanently affixed or placed, at locations where hazards exist.

(3) "Signals" are moving signs, provided by workers, such as flaggers, or by devices, such as flashing lights, to warn of possible or existing hazards.

(4) "Tags" are temporary signs, usually attached to a piece of equipment or part of a structure, to warn of existing or immediate hazards.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-06-075, § 296-155-315, filed 3/4/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 94-15-096 (Order 94-07), § 296-155-315, filed 7/20/94, effective 9/20/94; Order 76-6, § 296-155-315, filed 3/1/76.]

Chapter 296-200A WAC

CONTRACTOR CERTIFICATE OF REGISTRATION RENEWALS—SECURITY—INSURANCE

WAC

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296-200A-405 When must a contractor pay assessed monetary penalties?
296-200A-500 Repealed.
296-200A-510 Repealed.
296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-200A-500 Is the department required to monitor unregistered contractors who become registered? [Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-500, filed 12/2/97, effective 1/5/98.] Repealed by 03-20-097, filed 9/30/03, effective 11/17/03. Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW.

296-200A-510 Is the department required to report contractor compliance activities to the legislature? [Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-510, filed 12/2/97, effective 1/5/98.] Repealed by 03-20-097, filed 9/30/03, effective 11/17/03. Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW.

WAC 296-200A-015 What terms do I need to know to understand this chapter? For the purposes of this chapter, the following terms and definitions are important:

"Administrative law judge" is any person appointed by the chief administrative law judge (as defined in RCW 34.12.020(2)) to preside at a notice of infraction appeal hearing convened under chapter 18.27 RCW and this chapter.

"Appeal hearing" is any proceeding in which an administrative law judge is empowered to determine legal rights, duties or privileges of specific parties on behalf of the director.

"Applicant" is any person, firm, corporation or other entity applying to become a registered contractor according to chapter 18.27 RCW and this chapter. Applicant includes all principal officer(s), members, partners of a partnership, firm, corporation, or other entity named on the application.

"Citation" means the same as "infraction."

"Compliance inspector" refers to the departmental staff responsible for investigating potential violations of chapter 18.27 RCW and this chapter.

"Contractor compliance chief" refers to the person designated by the director to address all policy and technical issues related to chapter 18.27 RCW and this chapter.

"Department" refers to the department of labor and industries.

"Director" refers to the director of the department of labor and industries or the director's designee acting in the place of the director.

"Final judgment" means any money that is owed to a claimant as a result of court action against a contractor's bond or assigned savings account with the department or any money that is owed the department as a result of a contractor's unsuccessful appeal of an infraction. Final judgment also includes any penalties assessed against the contractor and owed the department as a result of an unappealed infraction or any outstanding fees due under this chapter.

"Infraction" means a violation of chapter 18.27 RCW and this chapter as cited by the chief contractor compliance inspector or the department's construction compliance inspectors.

"Renewal" or **"renewed"** means the renewal of a contractor's registration before it expires.

"Reinstatement" or **"reinstated"** means the reinstatement of a contractor's registration after the registration has expired, been suspended, or been revoked.

"Reregistration" or **"reregister"** means an update to a contractor's registration because of business structure change.

"Secured contractor" is a contractor who has complied with RCW 18.27.040 by assigning to the department a savings account held in a Washington state bank, or by filing with the department a surety bond.

"Security" is a savings account held in a Washington state bank and assigned to the department in lieu of a surety bond.

"Unregistered contractor" means a person, firm, corporation or other entity working as a contractor without being registered in compliance with chapter 18.27 RCW and this chapter.

"Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-015, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-015, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-025 How does a contractor register, renew, reregister or reinstate its registration? (1) A contractor may register/renew/reregister/reinstate if it:

(a) Completes an application for contractor registration and submits it to the department as required by RCW 18.27.030;

(b) Satisfies one of the following:

(i) Obtains a continuous surety bond in the total amount specified in WAC 296-200A-030 and submits the original bond with bond number to the department (see RCW 18.27.-040); or

(ii) Assigns, to the department, a security deposit in the form of a savings account held in a Washington state bank as specified in WAC 296-200A-030;

(c) Obtains public liability and property damage insurance and submits the original insurance certificate with policy number to the department (see RCW 18.27.050); and

(d) Pays the issuance/renewal/reregistration/reinstatement fee shown in WAC 296-200A-900.

(2) A contractor may renew its registration if it submits, to the department, a completed contractor registration renewal notice and the material required in subsection (1)(b) and (c) of this section and pays the renewal fee shown in WAC 296-200A-900. No more than forty-five days before the contractor's registration expires, the department must send a renewal notice to the contractor's last recorded address. It is the responsibility of the contractor to notify the department **in writing** of a change in address.

(3) The contractor must:

(a) Submit all required documents to the department in a manner approved by the department as set forth in subsections (3)(b), (c), (d), and (4) of this section;

(b) Include, on each document, the name exactly as it appears on the contractor registration application or renewal notice;

(c) Include, if renewing a registration, the contractor's registration number on each of the documents; and

(d) Include a copy of the certificate or document (when required) by the secretary of state for the contractor to do business in the state of Washington.

(4) The department will not register, renew, or reinstate the registration of a contractor if:

(a) Any of the required documents are missing;

(b) The documents do not have the proper name of the contractor;

(c) In the case of a renewal, the documents do not include the registration number; or

(d) The applicant or person pursuant to RCW 18.27.030 has an unsatisfied final judgment based on work which is subject to chapter 18.27 RCW and this chapter.

(5) The contractor may request, in a letter filed with the application or renewal materials, that the registration period end on a particular day. However, the registration period cannot exceed two years.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-025, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-025, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-030 How much are the surety bond or savings account amounts? (1) The continuous surety bond or savings account amounts for applicants of contractors with five or fewer final judgments involving a residential single-family dwelling on two or more different structures in the previous five years are as follows:

(a) Twelve thousand dollars for general contractors.

(b) Six thousand dollars for specialty contractors.

(2) The surety bond or savings account amounts for applicants of contractors with six or more final judgments involving a residential single-family dwelling on two or more different structures in the previous five years will be based upon (a) and (b) of this subsection. (a) and (b) of this subsection do not apply to final judgments rendered before July 22, 2001.

(a) General contractors.

Number of Final Judgments	Bond or Savings Account Amount per Calendar Year
6	$18,000.00
7	$24,000.00
8	$30,000.00
9 or more	$36,000.00

(b) Specialty contractors.

Number of Final Judgments	Bond or Savings Account Amount per Calendar Year
6	$ 8,000.00
7	$12,000.00
8	$16,000.00
9 or more	$18,000.00

(3) At the time of reregistration, renewal or reinstatement the department shall only consider final judgments from the previous five years which will be used to determine the bond or savings account amount according to subsection (2)(a) and (b) of this section. Final judgments rendered before July 22, 2001, will not be considered toward the required bond or savings account amount.

(4) For purposes of this section, final judgment does not include infractions.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-030, filed 9/30/03, effective 11/17/03.]

WAC 296-200A-035 How long is a contractor's registration period? A registration period is for two years per RCW 18.27.060(1).

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-035, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-035, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-040 What can cause the suspension of a contractor's registration? (1) A contractor's registration will be suspended if the following impairments, cancellations, noncompliance, or errors occur:

(a) A surety bond or other security has an unsatisfied final judgment against it or becomes otherwise impaired.

(b) A surety bond is canceled.

(c) An insurance policy is expired, canceled, revoked or the insurer is withdrawn from the insurance policy.

(d) The contractor has an unsatisfied final judgment against it under chapter 18.27 RCW and this chapter.

(e) The department has notice that the contractor is a sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of chapter 18.27 RCW and this chapter.

(f) The department is notified that the contractor has been certified by the department of social and health services as a person who is not in compliance with a support order as provided in RCW 74.20A.320.

(g) The department finds that the contractor has provided false information or has otherwise been registered in error.

(h) The contractor fails to comply with a penalty payment plan agreement.

(i) The contractor has been certified by a leading agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service conditional scholarship.

(j) The contractor does not maintain a valid unified business identifier number, if required by the department of revenue.

(2) The contractor's registration will be automatically suspended on the effective date of the impairment or cancellation. The department must mail a notice of the suspension to the contractor's address on the certificate of registration by certified mail **and** first class mail within two days after suspension.

(3) A contractor must not advertise, offer to do work, submit a bid, or perform any work as a contractor while its registration is suspended. To continue to operate as a contractor while its registration is suspended is a violation of chapter 18.27 RCW and subject to infractions.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-040, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-040, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-060 What procedures must be followed when surety bonds and/or insurance policies are canceled? (1) Insurance and bonding companies must send cancellation notices to the department.

(2) Cancellation notices must contain the following information:

(a) The name of the contractor exactly as it appears in the contractor's registration file;

(b) The contractor's registration number;

(c) The contractor's business address;

(d) The names of the owners, partners, or officers of the contractor;

(e) The bond or insurance policy number; and

(f) The effective date of the bond or insurance policy.

(3) The cancellation of a surety bond or insurance policy shall be considered effective immediately after the department receives a cancellation notice unless a later specific date is provided.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-060, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-060, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-065 What procedures must be followed when surety bonds and/or other securities approved by the department become impaired? (1) Once the department has been notified that the surety bond or other securities approved by the department has been impaired by a final judgment or reduced by payment to an amount less than is required by WAC 296-200A-030, the contractor's registration will automatically be suspended and the department will send a letter to the contractor by certified mail.

(2) Once the unsatisfied final judgment has been satisfied, the contractor may reapply according to the requirements of this chapter.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-065, filed 9/30/03, effective 11/17/03.]

WAC 296-200A-070 When will the department release a security deposit? (1) The department will release a security deposit two years after the contractor's last registration has expired **unless** there is an unsatisfied final judgment or on-going claim against the contractor.

(2) The department will release a security deposit in less than two years after the contractor's last registration has expired if the contractor provides a surety bond covering **both the previous and current registration periods.**

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-070, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-070, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-080 How is a suit filed against a contractor? (1) A civil suit against a contractor must be filed in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. Unless the suit is filed in a superior court, the department will not be able to direct payment on an unsatisfied final judgment against a secured contractor.

(2) Notice that a suit has been filed (a summons and complaint) against a contractor, the contractor's bond, and/or the contractor's deposit must be exclusively delivered to the department by registered or certified mail to: P.O. Box 44450, Olympia, Washington 98504-4450 or by any delivery requiring notice of receipt to: 7273 Linderson Way S.W., Tumwater, WA 98501. The notice must be addressed to the department and must include three copies of the summons and complaint filed against the contractor, the contractor's bond and/or the contractor's deposit. The person filing the suit must pay a twenty-dollar service fee to the department.

(3) The summons and complaint against a contractor must include the following information:

(a) The name of the contractor exactly as it appears in the contractor's registration file;

(b) The contractor's business address;

(c) The names of the owners, partners or officers of the contractor if known; and

(d) The contractor's registration number.

(4) If the suit joins a bonding company, the summons and complaint should also include:

(a) The name of the bonding company that issued the contractor's bond;

(b) The bond number; and

(c) The effective date of the bond.

(5) If the suit is against a contractor using an assigned account in lieu of a bond, the complaint must also include:

(a) The name of the institution where the assigned account is held;

(b) The account number; and

(c) The date the assigned account was opened.

(6) Service is not considered complete until the department receives the documents in Tumwater with the twenty-dollar fee and three copies of the summons and complaint.

(7) Within two days of receiving a summons and complaint, the department must transmit a copy of the summons and complaint to the registrant at the address listed on the registrant's application or at their last known address provided to the department and to the registrant's surety.

(8) The department will return a summons and complaint without it being served, if the department cannot readily identify either the contractor or bonding company being sued, if the action did not arise under chapter 18.27 RCW, or if the fee and three copies of the summons and complaint are not received.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-080, filed 9/30/03, effective 11/17/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-200A-080, filed 5/28/02, effective 6/28/02. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-080, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-090 How are judgments against contractors paid? (1) **The department can only release or order release of payment for a superior court final judgment.** The department cannot release or order the release of payment to a district court or to satisfy other types of judgments.

(2) Payment of a final judgment by bond. If a contractor is bonded, the department can neither pay a final court judgment against a contractor nor force the contractor or its bonding company to pay. Only the claimant can pursue payment from the contractor or its bonding company.

(3) Payment of a final judgment by assignment of account.

(a) If a contractor's security is held by the department it must be used to pay a superior court final judgment against a secured contractor.

The department must pay a superior court final judgment against a secured contractor if the claimant supplies the department with one certified copy of the unpaid final court judgment. The certified copy must be delivered by registered

or certified mail within one year of the date the final judgment was officially entered into the court record.

(b) Assignment of account payments under subsection (2) of this section will be paid out in the order the final judgment is received by the department.

(c) For the department to pay a superior court final judgment, the claimant must include the following information with the copy of the judgment:

(i) The name of the contractor exactly as it appears on the contractor's registration file;

(ii) The contractor's business address;

(iii) The names of the owners, partners, or officers of the contractor;

(iv) The contractor's registration number; and

(v) The exact amount of the judgment, including court costs, attorneys' fees and interest.

If the department does not receive enough information to pay the judgment, it will inform the claimant.

The department shall have no liability for payment in excess of the amount of the secured account.

(4) Payment of a final judgment by the contractor. The contractor may pay a superior court final judgment in lieu of the department releasing or ordering the release of a bond or the assignment of account funds to satisfy the final judgment. The contractor must provide the department with a "full satisfaction of judgment" from the superior court that the final judgment has been satisfied.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-090, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-090, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-111 How does a city, town, or county verify a contractor's registration? (1) A city, town, or county may verify an original contractor registration by receiving and duplicating a current contractor registration card, by checking the department's contractor registration Internet website, checking the computer disk (CD) circulated by the department, or by calling the department to confirm that the contractor is registered.

(2) The contractor's registration is valid if the contractor provides a notarized copy of the original contractor registration card or a facsimile verification from the department.

Note: Although the contractor registration card states that the contractor has an active status, the contractor may have since been suspended.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-111, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-111, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-112 Who is liable when a city, town, or county fails to verify a contractor's registration? The city, county, or town that issues a building permit without verifying the contractor's registration may be liable for a maximum penalty amount of ten thousand dollars. See RCW 18.27.110(1).

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-112, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-112, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-300 What violations of chapter 18.27 RCW can result in the issuance of a notice of infraction? (1) Under RCW 18.27.100, the department can issue a notice of infraction to a contractor and assess a penalty up to ten thousand dollars for:

(a) Using an unregistered name while advertising as a contractor;

(b) Using an unregistered name and address in advertising, correspondence, signs, documents, etc.;

(c) Using a false or expired registration number in advertisements where a contractor's registration number is required;

(d) Using the bond and insurance requirements of chapter 18.27 RCW to advertise as a bonded and insured contractor;

(e) Using a false registration number to either solicit business or pose as a contractor;

(f) Failing to include the contractor's current registration number in all advertising that shows the contractor's name or address. This registration number may be omitted in an alphabetized listing of registered contractors stating only the name, address, and telephone number. See RCW 18.27.100 (3).

(2) For violations of chapter 18.27 RCW, the department may issue penalties for violations and notices of infractions containing an order of correction to a person holding a registration, an applicant for registration, or a person acting in the capacity of a contractor, who is not otherwise exempted from chapter 18.27 RCW, that has violated chapter 18.27 RCW or this chapter. Such order shall require the violator to cease the unlawful advertising.

(3) The department may issue a notice of infraction to a contractor for failing to provide a residential or commercial customer with a proper disclosure statement before beginning a repair, alterations or construction project. See RCW 18.27.114(1) for both the project dollar cost limits affecting this requirement and a sample disclosure statement.

This requirement does not apply to either contracts authorized under chapter 39.04 RCW or to contractors contracting with other contractors.

(4) Under RCW 18.27.200, the department must issue a notice of infraction to a contractor for:

(a) Advertising, offering to work, submitting a bid, or performing any contracting work without being registered or when the contractor's registration is suspended or revoked; or

(b) Transferring a valid contractor registration to an unregistered contractor; or

(c) Allowing an unregistered contractor to work under a registration issued to another contractor.

Each day that a contractor works without being registered, works while the registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. A cited contractor who continues to work while unregistered, or while their registration is suspended or revoked, or under a registration issued to another contractor is guilty of a separate misdemeanor for each day worked.

Each worksite at which a contractor works without being registered, works while the registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction. A cited contractor who continues to work while unregistered, or while their registration is

suspended or revoked, or under a registration issued to another contractor is guilty of a separate misdemeanor for each worksite on which a violation occurs.

(5) See WAC 296-200A-400 for the specific monetary penalties associated with each of the violations discussed in this section.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-300, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-300, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-305 How does the department notify registered contractors regarding any unregistered subcontractors they may employ? (1) Unless a general contractor or its representative has been given written notification by the department that a subcontractor they have employed, who was registered when employed, has subsequently become unregistered, it is not unlawful for the general contractor to employ that subcontractor. (See RCW 18.27.020(3).)

(2) To comply with RCW 18.27.020(3), the department, when feasible, will issue a written "notice of unregistered subcontractors" to a general contractor or its representative.

(3) A "notice of unregistered subcontractor" issued under this section must be personally served on the general contractor named in the notice by the department's compliance inspectors or must be served by certified mail directed to the general contractor named in the notice.

(4) If the general contractor named in the notice is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If the notice is personally served upon an employee and the department is able to obtain the general contractor's address, the department must send a copy of the notice by certified mail to the general contractor within four days of service.

(5) A "notice of unregistered subcontractor" **is not** a notice of infraction.

(6) If, after receiving the "notice of unregistered subcontractor," the general contractor continues to employ the subcontractor in question, it will be liable for an infraction under RCW 18.27.200.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-305, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-305, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-310 What information must be included in a notice of infraction? When a contractor violates chapter 18.27 RCW, the department may issue a notice of infraction which contains the following:

(1) Notification that an infraction has been committed and shall be final unless contested;

(2) Notification that an infraction is a noncriminal offense and is not punishable by imprisonment;

(3) The specific violation(s) leading to the issuance of the infraction;

(4) The amount of penalty owed if the infraction is established;

(5) Notification of a right to a hearing (chapter 34.05 RCW) if requested within twenty days of service of the infraction;

(6) A reminder that the burden of proof in a hearing rests upon the state;

(7) Notification of a right to subpoena witnesses, including the inspector who issued the infraction;

(8) A reminder that a contractor is legally required to sign a notice of infraction and, by doing so, promises to respond to it;

(9) A reminder that a refusal to sign a notice of infraction is a misdemeanor and may be punishable by fine or imprisonment; and

(10) A reminder that a failure to respond to a notice of infraction is a misdemeanor and may be punishable by a fine or imprisonment.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-310, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-310, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-320 How can a notice of infraction be served? (1) A notice of infraction is served when the notice of infraction is issued personally to the contractor named in the notice by the compliance inspector issuing it or when the notice of infraction is sent by certified mail to the contractor.

(2) Any employee of a contractor can be served a notice of infraction at a job site. When the notice is signed by the employee, it is binding upon the contractor. To avoid confusion, the department must have the employee sign the "name of the contractor, by name of the employee." The signature will appear as:

Jane Doe Construction Co.
(by) Richard Roe, Employee.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-320, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-320, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-330 How are notices of infraction issued? (1) A notice of infraction may be issued personally to the contractor named in the notice by the compliance inspector issuing it or the notice may be sent to the contractor by certified mail.

(2) When the department's compliance inspector serves a notice of infraction upon a contractor's employee, the department shall within four days send a copy of the notice to the contractor by certified mail if the department is able to obtain the contractor's address. To ensure that the contractor receives this notice, the department will mail a second copy of the infraction by first class mail.

(3) If the department does not know the contractor's name and address, it does not need to mail a copy of the infraction to the contractor, however, the notice remains in force.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-330, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-330, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-340 How does a contractor appeal a notice of infraction? The contractor must file the notice of appeal with the department within twenty days after the ear-

lier of service of the infraction on-site or service of the infraction mailed to the contractor. These time frames apply to the issuance of the infraction for all violations of chapter 18.27 RCW.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-340, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-340, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-360 Who may represent the contractor and the department at the appeal hearing? (1) Contractors may be represented by themselves or be represented by an attorney at law qualified to practice in the state of Washington; or

(2) The department shall be represented by the office of the attorney general.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-360, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-360, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-370 How is the appeal hearing conducted? The hearing **process** shall be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC. All appeals of the administrative law judge's decision shall be to the superior court according to chapter 34.05 RCW.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-370, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-370, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-380 What evidence is admissible in an appeal hearing? The admission of evidence is subject to chapter 34.05 RCW, Administrative Procedure Act.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-380, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-380, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-390 What does the department do with the appeal notices that they receive? (1) Appeal notices that are received timely are first reviewed by the department for purposes of reconsideration.

(2) Appeal notices that are not received timely will be returned to the appellant with appeal rights stated.

(3) Appeal notices that are received timely and are not reconsidered according to subsection (1) of this section are recorded and forwarded to the office of the attorney general then to the office of administrative hearings.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-390, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-390, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-400 What monetary penalties will be assessed for an infraction issued for violations of RCW 18.27.100, 18.27.110, 18.27.114 or 18.27.200? (1) Each day that a violation occurs will be a separate offense.

(2) Once a violation of chapter 18.27 RCW or this chapter becomes a final judgment, any additional violation within three years becomes a "second" or "additional" offense subject to an increased penalty as set forth in the tables that follow.

(3) Second or additional offenses subject to increased penalties also include individuals or entities.

(4) A person, firm, corporation, or other entity who violates a provision of chapter 18.27 RCW and this chapter is liable for a civil penalty based upon the following schedule.

(a)(i) Monetary penalties that may be assessed for a violation of RCW 18.27.100 (1), (2), (3), and (4) are:

Monetary Penalties	Dollar Amount
First Final Violation	$ 250.00*
Second Final Violation	$ 500.00
Third Final Violation	$ 1,000.00
Fourth Final Violation	$ 2,000.00
Fifth Final Violation	$ 4,000.00
Sixth Final Violation	$ 8,000.00
Each Additional Final Violation	$ 10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100 (1), (2), (3), and (4) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(ii) Monetary penalties that may be assessed for a violation of RCW 18.27.100(5) are:

Monetary Penalties	Dollar Amount
First Final Violation	$ 1,000.00*
Second Final Violation	$ 2,000.00
Third Final Violation	$ 4,000.00
Fourth Final Violation	$ 8,000.00
Each Additional Final Violation	$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100(5) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(iii) Monetary penalties that may be assessed for a violation of RCW 18.27.100(6) are:

Monetary Penalties	Dollar Amount
First Final Violation	$ 1,000.00*
Second Final Violation	$ 2,000.00
Third Final Violation	$ 4,000.00
Each Additional Final Violation	$ 5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.100(6) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(b) Monetary penalties that may be assessed for a violation of RCW 18.27.110 are:

Monetary Penalties	Dollar Amount
First Final Violation	$ 250.00*
Second Final Violation	$ 500.00
Third Final Violation	$ 1,000.00
Fourth Final Violation	$ 2,000.00
Fifth Final Violation	$ 4,000.00
Sixth Final Violation	$ 8,000.00
Each Additional Final Violation	$10,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.110 becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(c) Monetary penalties that may be assessed for a violation of RCW 18.27.114 are:

Monetary Penalties	Dollar Amount
First Final Violation	$ 500.00*
Second Final Violation	$ 1,000.00
Third Final Violation	$ 2,000.00
Fourth Final Violation	$ 4,000.00
Each Additional Final Violation	$ 5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.-114 becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(d) Monetary penalties that may be assessed for a violation of RCW 18.27.200 according to RCW 18.27.340 (1) and (3) are:

(i)

RCW 18.27.340(1) Monetary Penalties	Dollar Amount
First Final Violation	$ 500.00*
Second Final Violation	$ 1,000.00
Third Final Violation	$ 2,000.00
Fourth Final Violation	$ 4,000.00
Each Additional Final Violation	$ 5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.-340(1) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the table above.

(ii)

RCW 18.27.340(3) Monetary Penalties	Dollar Amount
First Final Violation	$1,000.00*
Second Final Violation	$2,000.00
Third Final Violation	$4,000.00
Each Additional Final Violation	$5,000.00

* Minimum penalty per violation. Once a violation of RCW 18.27.340(3) becomes a final judgment, any additional violation is subject to an increased penalty as set forth in the above table. However, if the unregistered contractor becomes registered within ten days of receiving the notice of infraction and the notice is the contractor's first offense, the director may reduce the penalty. In no case can the director reduce the penalty below five hundred dollars.

(4) For violations of RCW 18.27.200, the director may waive a penalty collection from a contractor in exchange for a payment of restitution to a damaged consumer in an amount at least equal to the assessed penalty. Prior to the infraction becoming final, the contractor must provide to the department a notarized release from the damaged consumer stating that he or she paid the damaged consumer in an amount at least equal to the assessed penalty.

(5)(a) The department shall deny an application for registration if:

(i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment;

(ii) The applicant was a principal or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; or

(iii) The applicant does not have a valid unified business identifier number, if required by the department of revenue.

(b) The department shall suspend an active registration if the department has notice that the registrant is a sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-400, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-400, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-405 When must a contractor pay assessed monetary penalties? (1) If a contractor named in a notice of infraction does not choose to appeal the notice, then the contractor must pay the department the amount of the penalty prescribed for the infraction.

(2) After an administrative law judge decides that an infraction has been committed, a contractor who does not appeal the decision to a superior court, has thirty days to pay any outstanding monetary penalties. Failure to do so is a misdemeanor and may be prosecuted in the county where the infraction occurred.

(3) A contractor who has exhausted all appeal opportunities and fails to pay an assessed monetary penalty within thirty days after exhausting those opportunities shall be guilty of a misdemeanor and may be prosecuted in the county where the infraction occurred.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-405, filed 9/30/03, effective 11/17/03. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-405, filed 12/2/97, effective 1/5/98.]

WAC 296-200A-500 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-200A-510 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-200A-900 What fees does the department charge contractors for issuance, renewal, reregistration, and reinstatement of certificates of registration? The department charges the following fees:

(1) $103.20 for each issuance, renewal or reregistration of a certificate of registration for contractors. This registration is valid for two years from date of issuance, renewal or reregistration or until it is suspended or revoked.

(2) $48.90 for the reinstatement of a certificate of registration.

(3) $11.60 for providing a duplicate certificate of registration.

(4) $23.40 for each requested certified letter prepared by the department.

(5) $2.00 per copy for documents copied from a contractor's file. The maximum copy charge for copies from one contractor's file will be $27.20.

(6) $20.00 is required to cover the costs for the service of process in an action against a contractor, the contractor's bond, or the deposit under RCW 18.27.040.

(7) $25.00 is required to cover the costs for the service of processing refunds.

[Statutory Authority: RCW 18.27.040, 18.27.070, 18.27.075, 18.27.125 and 2001 c 159, and chapter 18.27 RCW. 03-20-097, § 296-200A-900, filed 9/30/03, effective 11/17/03. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-200A-900, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-200A-900, filed 5/29/01, effective 6/29/01. Statutory Authority: Chapters 43.22, 18.27, 70.87 and 19.28 RCW. 99-12-080, § 296-200A-900, filed 5/28/99, effective 6/28/99. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-200A-900, filed 5/29/98, effective 6/30/98. Statutory Authority: Chapter 18.27 RCW. 97-24-071, § 296-200A-900, filed 12/2/97, effective 1/5/98.]

Chapter 296-304 WAC

SAFETY STANDARDS FOR SHIP REPAIRING, SHIPBUILDING AND SHIPBREAKING

WAC

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296-304-09021 Personal fall arrest systems (PFAS).
296-304-09023 Positioning device systems.
296-304-10003 Ship's piping systems.
296-304-10007 Ship's deck machinery.

WAC 296-304-01001 Definitions. "Anchorage" - A secure point to attach lifelines, lanyards, or deceleration devices.

"Body belt" - A strap with means to both secure it around the waist and to attach it to a lanyard, lifeline, or deceleration device. Body belts may be used only in fall restraint or positioning device systems and may not be used for fall arrest. Body belts must be at least one and five-eighths inches (4.13 cm) wide.

"Body harness" - Straps to secure around an employee so that fall arrest forces are distributed over at least the thighs, shoulders, chest and pelvis with means to attach it to other components of a personal fall arrest system.

"Cold-work" - Work that does not involve riveting, welding, burning, or other fire-producing or spark-producing operations.

"Competent person" - A person who can recognize and evaluate employee exposure to hazardous substances or to other unsafe conditions and can specify the necessary protection and precautions necessary to ensure the safety of employees as required by these standards.

"Confined space" - A small compartment with limited access such as a double bottom tank, cofferdam, or other small, confined space that can readily create or aggravate a hazardous exposure.

"Connector" - A device used to connect parts of a personal fall arrest system or parts of a positioning device system together. It may be:

• An independent component of the system (such as a carabiner); or

• An integral component of part of the system (such as a buckle or D-ring sewn into a body belt or body harness or a snaphook spliced or sewn to a lanyard or self-retracting lanyard).

"Deceleration device" - A mechanism, such as a rope grab, rip stitch lanyard, specially woven lanyard, tearing or deforming lanyard, or automatic self-retracting lifeline/lanyard, that serves to dissipate a substantial amount of energy during a fall arrest, or to limit the energy imposed on an employee during fall arrest.

"Deceleration distance" - The additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured from the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, to the location of that attachment point after the employee comes to a full stop.

"Director" - The director of the department of labor and industries or a designated representative.

"Employee" - Any person engaged in ship repairing, ship building, or ship breaking or related employment as defined in these standards.

"Employer" - An employer with employees who are employed, in whole or in part, in ship repair, ship building and ship breaking, or related employment as defined in these standards.

"Enclosed space" - A space, other than a confined space, that is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

"Equivalent" - Alternative designs, materials, or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the method or item specified in the standard.

"Free fall" - To fall before a personal fall arrest system begins to apply force to arrest the fall.

"Free fall distance" - The vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline/lanyard elongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before the device operates and fall arrest forces occur.

"Gangway" - A ramp-like or stair-like means to board or leave a vessel including accommodation ladders, gangplanks and brows.

"Hazardous substance" - A substance likely to cause injury because it is explosive, flammable, poisonous, corrosive, oxidizing, irritant, or otherwise harmful.

"Hot-work" - Riveting, welding, burning or other fire or spark producing operations.

"Lanyard" - A flexible line of rope, wire rope, or strap which generally has a connector at each end for connecting the body belt or body harness to a deceleration device, lifeline, or anchorage.

"Lifeline" - A component consisting of a flexible line to connect to an anchorage at one end to hang vertically (vertical lifeline), or to connect to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

"Lower levels" - Those areas or surfaces to which an employee can fall. Such areas or surfaces include but are not limited to ground levels, floors, ramps, tanks, materials, water, excavations, pits, vessels, structures, or portions thereof.

"Personal fall arrest system" - A system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, a deceleration device, a lifeline, or a suitable combination.

"Portable unfired pressure vessel" - A pressure container or vessel used aboard ship, other than the ship's equipment, containing liquids or gases under pressure. This does not include pressure vessels built to Department of Transportation regulations under 49 CFR Part 78, Subparts C and H.

"Positioning device system" - A body belt or body harness system rigged to allow an employee to be supported at an elevated vertical surface, such as a wall or window, and to be able to work with both hands free while leaning.

"Powder actuated fastening tool" - A tool or machine that drives a stud, pin, or fastener by means of an explosive charge.

"Qualified person" - A person who has successfully demonstrated the ability to solve or resolve problems related to the subject matter and work by possessing a recognized degree or certificate of professional standing or by extensive knowledge, training, and experience.

"Related employment" - Any employment related to or performed in conjunction with ship repairing, ship building or ship breaking work, including, but not limited to, inspecting, testing, and serving as a watchman.

"Restraint (tether) line" - A line from an anchorage, or between anchorages, to which the employee is secured so as to prevent the employee from walking or falling off an elevated work surface.

Note: A restraint line is not necessarily designed to withstand forces resulting from a fall.

"Rope grab" - A deceleration device that travels on a lifeline and automatically, by friction, engages the lifeline and locks to arrest the fall of an employee. A rope grab usually uses the principle of inertial locking, cam/level locking or both.

"Shall" or **"must" -** Mandatory.

"Ship breaking" - Breaking down a vessel's structure to scrap the vessel, including the removal of gear, equipment or any component part of a vessel.

"Ship building" - Construction of a vessel, including the installation of machinery and equipment.

"Ship repairing" - Repair of a vessel including, but not limited to, alterations, conversions, installations, cleaning, painting, and maintenance.

"Vessel" - Every watercraft for use as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-04-099, § 296-304-01001, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-01001, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-01001, filed 1/18/95, effective 3/10/95; Order 76-7, § 296-304-01001, filed 3/1/76; Order 74-25, § 296-304-01001, filed 5/7/74.]

WAC 296-304-01003 Reference specifications, standards, and codes. Specifications, standards, and codes of agencies of the U.S. government, to the extent specified in the text, form a part of these regulations. In addition, the specifications, standards, and codes of organizations which are not agencies of the U.S. government, in effect on the date of the promulgation of these regulations as listed below, to the extent specified in the text, form a part of these standards:

National Fire Protection Association, 60 Batterymarch Street, Boston, Mass.02110,

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, Ill.60611,

United States of America Standard Safety Code for Portable Wood Ladders, A14.1-1975, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016,

United States of America Standard Safety Code for Portable Metal Ladders, A14.2-1972, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016,

United States of America Standard Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016,

American Society of Mechanical Engineers, Boiler and Pressure Vessel Code, Section VIII, Rules for Construction of Unfired Pressure Vessels, American Society of Mechanical Engineers, 345 East 47th Street, New York, N.Y. 10017,

Threshold Limit Values, American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, Ohio 45202,

United States of America Standards Safety Code for the Use, Care, and Protection of Abrasive Wheels, B7.1-1964, United States of America Standards Institute, Inc., 10 East 40th Street, New York, N.Y. 10016.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-04-099, § 296-304-01003, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-01003, filed 5/7/74.]

WAC 296-304-02007 Hot work. (1) Hot work requiring testing by a marine chemist or Coast Guard authorized person.

(a) The employer shall ensure that hot work is not performed in or on any of the following confined and enclosed spaces and other dangerous atmospheres, boundaries of

spaces or pipelines until the work area has been tested and certified by a marine chemist or a U.S. Coast Guard authorized person as "safe for hot work":

(i) Within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases.

(ii) Within, on, or immediately adjacent to fuel tanks that contain or have last contained fuel; and

(iii) On pipelines, heating coils, pump fittings or other accessories connected to spaces that contain or have last contained fuel.

(iv) Exception: On dry cargo, miscellaneous and passenger vessels and in the landside operations within spaces which meet the standards for oxygen, flammability and toxicity in WAC 296-304-02003, but are adjacent to spaces containing flammable gases or liquids, as long as the gases or liquids with a flash point below 150 deg. F (65.6 deg. C) when the distance between such spaces and the work is 25 feet (7.62 m) or greater.

Note: For flammable liquids with flash points above 150 deg. F (65.6 deg. C), see subsection (2) of this section.

Note to (1)(a): The criteria for "safe for hot work" is located in the definition section, WAC 296-304-020(2).

(b) The certificate issued by the marine chemist or Coast Guard authorized person shall be posted in the immediate vicinity of the affected operations while they are in progress and kept on file for a period of at least three months from the date of the completion of the operation for which the certificate was generated.

(2) Hot work requiring testing by a competent person.

(a) Hot work is not permitted in or on the following spaces or adjacent spaces or other dangerous atmospheres until they have been tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit:

(i) Dry cargo holds;

(ii) The bilges;

(iii) The engine room and boiler spaces for which a marine chemist or a Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(iv) Vessels and vessel sections for which a marine chemist or Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(v) Land-side confined and enclosed spaces or other dangerous atmospheres not covered by subsection (1)(a) of this section.

(b) If the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit in the space or an adjacent space where the hot work is to be done, then the space shall be labeled "not safe for hot work" and ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors or gases is below 10 percent by volume of the lower explosive limit. The warning label may be removed when the concentration of flammable vapors and gases are below 10 percent of the lower explosive limit.

Note to WAC 296-304-02007: See WAC 296-304-02013—Appendix A, for additional information relevant to performing hot work safely.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-04-099, § 296-304-02007, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 95-22-015, § 296-304-02007, filed 10/20/95, effective 1/16/96. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-02007, filed 1/18/95, effective 3/10/95; Order 76-7, § 296-304-02007, filed 3/1/76; Order 74-25, § 296-304-02007, filed 5/7/74.]

WAC 296-304-02009 Maintenance of safe conditions. (1) Preventing hazardous materials from entering. Pipelines that could carry hazardous materials into spaces that have been certified "safe for workers" or "safe for hot work" shall be disconnected, blanked off, or otherwise blocked by a positive method to prevent hazardous materials from being discharged into the space.

(2) Alteration of existing conditions. When a change that could alter conditions within a tested confined or enclosed space or other dangerous atmosphere occurs, work in the affected space or area shall be stopped. Work may not be resumed until the affected space or area is visually inspected and retested and found to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

Note to (2): Examples of changes that would warrant the stoppage of work include: The opening of manholes or other closures or the adjusting of a valve regulating the flow of hazardous materials.

(3) Tests to maintain the conditions of a marine chemist's or Coast Guard authorized person's certificates. A competent person shall visually inspect and test each space certified as "safe for workers" or "safe for hot work," as often as necessary to ensure that atmospheric conditions within that space are maintained within the conditions established by the certificate after the certificate has been issued.

(4) Change in the conditions of a marine chemist's or Coast Guard authorized person's certificate. If a competent person finds that the atmospheric conditions within a certified space fail to meet the applicable requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, work in the certified space shall be stopped and may not be resumed until the space has been retested by a marine chemist or Coast Guard authorized person and a new certificate issued in accordance with WAC 296-304-02007(1).

(5) Tests to maintain a competent person's findings. After a competent person has conducted a visual inspection and tests required in WAC 296-304-02003, 296-304-02005, and 296-304-02007 and determined a space to be safe for an employee to enter, he or she shall continue to test and visually inspect spaces as often as necessary to ensure that the required atmospheric conditions within the tested space are maintained.

(6) Changes in conditions determined by competent person's findings. After the competent person has determined initially that a space is safe for an employee to enter and he or she finds subsequently that the conditions within the tested space fail to meet the requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable, work shall be stopped until the conditions in the tested space are

corrected to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-04-099, § 296-304-02009, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 95-22-015, § 296-304-02009, filed 10/20/95, effective 1/16/96. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-02009, filed 1/18/95, effective 3/10/95; Order 76-7, § 296-304-02009, filed 3/1/76; Order 74-25, § 296-304-02009, filed 5/7/74.]

WAC 296-304-03007 Painting. All respirators required by this section must meet the requirements of chapter 296-62 WAC, Part E.

(1) Paints mixed with toxic vehicles or solvents.

(a) When employees spray paints mixed with toxic vehicles or solvents, the employer must ensure that the following conditions are met:

(i) In confined spaces, employees continuously exposed to spraying are protected by air line respirators.

(ii) In tanks or compartments, employees continuously exposed to spraying are protected by air line respirators. Where mechanical ventilation is provided, employees are protected by respirators.

(iii) In large and well ventilated areas, employees exposed to spraying are protected by respirators.

(b) The employer must ensure that where employees apply by brush paints with toxic solvents in confined spaces or other areas where lack of ventilation creates a hazard, the employees are protected by filter respirators.

(c) When flammable paints or vehicles are used, precautions shall be taken in accordance with the requirements of WAC 296-304-03009.

(d) The metallic parts of air moving devices, including fans, blowers, and jet-type air movers, and all duct work shall be electrically bonded to the vessel's structure.

(2) Paints and tank coatings dissolved in highly volatile, toxic and flammable solvents. Several organic coatings, adhesives and resins are dissolved in highly toxic, flammable and explosive solvents with flash points below 80°F. Work involving such materials shall be done only when all of the following special precautions have been taken:

(a) Sufficient exhaust ventilation shall be provided to keep the concentration of solvent vapors below ten percent of the lower explosive limit. Frequent tests shall be made by a competent person to ascertain the concentration.

(b) If the ventilation fails or if the concentration of solvent vapors reaches or exceeds ten percent of the lower explosive limit, painting shall be stopped and the compartment shall be evacuated until the concentration again falls below ten percent of the lower explosive limit. If the concentration does not fall when painting is stopped, additional ventilation to bring the concentration down to ten percent of the lower explosive limit shall be provided.

(c) Ventilation shall be continued after the completion of painting until the space or compartment is gas free. The final determination as to whether the space or compartment is gas free shall be made after the ventilating equipment has been shut off for a least ten minutes.

(d) Exhaust ducts shall discharge clear of working areas and away from sources of possible ignition. Periodic tests shall be made to ensure that the exhausted vapors are not accumulating in other areas within or around the vessel or dry dock.

(e) All motors and control equipment shall be of the explosion-proof type. Fans shall have nonferrous blades. Portable air ducts shall also be of nonferrous materials. All motors and associated control equipment shall be properly maintained and grounded.

(f) Only nonsparking paint buckets, spray guns and tools shall be used. Metal parts of paint brushes and rollers shall be insulated. Staging shall be erected in a manner which ensures that it is nonsparking.

(g) Only explosion proof lights, approved by the Underwriters' Laboratories for use in Class I, Group D atmospheres, or approved as permissible by the U.S. Bureau of Mines or the U.S. Coast Guard, shall be used.

(h) A competent person shall inspect all power and lighting cables to ensure that the insulation is in excellent condition, free of all cracks and worn spots, that there are no connections within fifty feet of the operation, that lines are not overloaded, and that they are suspended with sufficient slack to prevent undue stress or chafing.

(i) The face, eyes, head, hands and all other exposed parts of the bodies of employees handling highly volatile paints must be protected according to WAC 296-304-090. All footwear must be nonsparking, such as rubbers, rubber boots or rubber soled shoes without nails. Coveralls or other outer clothing must be made of cotton. Rubber gloves, instead of plastic gloves, must be used to protect against the danger of static sparks.

(j) No matches, lighted cigarettes, cigars, or pipes, and no cigarette lighters or ferrous articles shall be taken into the area where work is being done.

(k) All solvent drums taken into the compartment shall be placed on nonferrous surfaces and shall be grounded to the vessel. Metallic contact shall be maintained between containers and drums when materials are being transferred from one to another.

(l) Spray guns, paint pots, and metallic parts of connecting tubing shall be electrically bonded, and the bonded assembly shall be grounded to the vessel.

(m) The employer must ensure that all employees continuously in a compartment in which such painting is performed, are protected by air line respirators and by suitable protective clothing. Employees entering such compartments for a limited time must be protected by filter cartridge type respirators.

(n) The employer must ensure that all employees doing exterior paint spraying with such paints are protected by suitable filter cartridge type respirators and by suitable protective clothing.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-04-099, § 296-304-03007, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-03007, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-03007, filed 1/18/95, effective 3/10/95; 93-19-142 (Order 93-04), § 296-304-03007, filed 9/22/93, effective 11/1/93; Order 76-7, § 296-304-03007, filed 3/1/76; Order 74-25, § 296-304-03007, filed 5/7/74.]

WAC 296-304-04001 Ventilation and protection in welding, cutting and heating. (1) Mechanical ventilation requirements.

(a) For the purposes of this section, mechanical ventilation shall meet the following requirements:

(i) Mechanical ventilation shall consist of either general mechanical ventilation systems or local exhaust systems.

(ii) General mechanical ventilation shall be of sufficient capacity and so arranged as to produce the number of air changes necessary to maintain welding fumes and smoke within safe limits.

(iii) Local exhaust ventilation shall consist of freely movable hoods intended to be placed by the welder or burner as close as practicable to the work. This system shall be of sufficient capacity and so arranged as to remove fumes and smoke at the source and keep the concentration of them in the breathing zone within safe limits.

(iv) Contaminated air exhausted from a working space shall be discharged into the open air or otherwise clear of the source of intake air.

(v) All air replacing that withdrawn shall be clean and respirable.

(vi) Oxygen shall not be used for ventilation purposes, comfort cooling, blowing dust or dirt from clothing, or for cleaning the work area.

(2) Welding, cutting and heating in confined spaces.

(a) Except as provided in WAC 296-304-04001 (2)(c) and (3)(b), either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section shall be provided whenever welding, cutting or heating is performed in a confined space.

(b) The means of access shall be provided to a confined space and ventilation ducts to this space shall be arranged in accordance with WAC 296-304-05011 (2)(a) and (b).

(c) When sufficient ventilation cannot be obtained without blocking the means of access, employees in the confined space shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC, Part E, and an employee on the outside of such a confined space shall be assigned to maintain communication with those working within it and to aid them in an emergency.

(3) Welding, cutting or heating of metals of toxic significance.

(a) Welding, cutting or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with either general mechanical or local exhaust ventilation meeting the requirements of (1) of this section.

(i) Zinc-bearing base or filler metals or metals coated with zinc-bearing materials.

(ii) Lead base metals.

(iii) Cadmium-bearing filler materials.

(iv) Chromium-bearing metals or metals coated with chromium-bearing materials.

(b) Welding, cutting, or heating in any enclosed spaces aboard the vessel involving the metals specified in this subsection shall be performed with local exhaust ventilation in accordance with the requirements of (1) of this section or employees shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC, Part E.

(i) Metals containing lead, other than as an impurity, or metals coated with lead-bearing materials.

(ii) Cadmium-bearing or cadmium coated base metals.

(iii) Metals coated with mercury-bearing metals.

(iv) Beryllium-containing base or filler metals. Because of its high toxicity, work involving beryllium shall be done with both local exhaust ventilation and air line respirators.

(c) Employees performing such operations in the open air shall be protected by filter type respirators in accordance with the requirements of WAC 296-304-09003, except that employees performing such operations on beryllium-containing base or filler metals shall be protected by air line respirators in accordance with the requirements of chapter 296-62 WAC, Part E.

(d) Other employees exposed to the same atmosphere as the welders or burners shall be protected in the same manner as the welder or burner.

(4) Inert-gas metal-arc welding.

(a) Since the inert-gas metal-arc welding process involves the production of ultraviolet radiation of intensities of 5 to 30 times that produced during shielded metal-arc welding, the decomposition of chlorinated solvents by ultraviolet rays, and the liberation of toxic fumes and gases, employees shall not be permitted to engage in, or be exposed to the process until the following special precautions have been taken:

(i) The use of chlorinated solvents shall be kept at least two hundred feet from the exposed arc, and surfaces prepared with chlorinated solvents shall be thoroughly dry before welding is permitted on such surfaces.

(ii) Helpers and other employees in the area not protected from the arc by screening as provided in WAC 206-304-04011(5) shall be protected by filter lenses meeting the requirements of Tables I-1A and B (see below). When two or more welders are exposed to each other's arc, filter lens goggles of a suitable type meeting the requirements of WAC 296-304-09001 (1) and (3) shall be worn under welding helmets or hand shields to protect the welder against flashes and radiant energy when either the helmet is lifted or the shield is removed.

(iii) Welders and other employees who are exposed to radiation shall be suitably protected so that the skin is covered completely to prevent burns and other damage by ultraviolet rays. Welding helmets and hand shields shall be free of leaks and openings, and free of highly reflective surfaces.

(iv) When inert-gas metal-arc welding is being performed on stainless steel, the requirements of (3)(b) of this section shall be met to protect against dangerous concentrations of nitrogen dioxide.

(5) General welding, cutting and heating.

(a) Welding, cutting and heating not involving conditions or materials described in (2), (3) or (4) of this section may normally be done without mechanical ventilation or respiratory protective equipment, but where, because of unusual physical or atmospheric conditions, an unsafe accumulation of contaminants exists, suitable mechanical ventilation or respiratory protective equipment shall be provided.

(b) Employees performing any type of welding, cutting or heating shall be protected by suitable eye protective equipment in accordance with the requirements of Tables I-1A and B (see below).

(6) Residues and cargos of metallic ores.

Residues and cargos of metallic ores of toxic significance shall be removed from the area or protected from the heat before welding, cutting or heating is begun.

TABLE I-1A

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

OPERATIONS	ELECTRODE SIZE 1/32 IN	ARC CURRENT	MINIMUM PROTECTIVE SHADE
Shielded metal arc welding	Less than 3	Less than 60	7
	3-5	60-160	8
	5-8	160-250	10
	More than 8	250-550	11
Gas metal arc welding and flux cored arc welding		Less than 60	7
		60-160	10
		160-250	10
		250-550	10
Gas Tungsten arc welding		Less than 50	8
		50-150	8
		150-500	10
Air carbon arc cutting	(Light)	Less than 500	10
	(Heavy)	500-1000	11
Plasma arc welding		Less than 20	6
		20-100	8
		100-400	10
		400-800	11
Plasma arc cutting	(Light)**	Less than 300	8
	(Medium)**	300-400	9
	(Heavy)**	400-800	10
Torch brazing	—	—	3
Torch soldering	—	—	2
Carbon Arc welding	—	—	14

**These values apply where the actual arc is clearly seen. Lighter filters may be used when the arc is hidden by the workplace.

TABLE I-1B

FILTER LENSES FOR PROTECTION AGAINST RADIANT ENERGY

OPERATIONS	PLATE THICKNESS... INCHES	PLATE THICKNESS... MM	MINIMUM* PROTECTIVE SHADE
Gas welding			
Light	Under 1/8	Under 3.2	4
Medium	1/8 - 1/2	3.2 - 12.7	5
Heavy	Over 1/2	Over 12.7	6
Oxygen cutting			
Light	Under 1	Under 25	3
Medium	1 - 6	25 - 100	4
Heavy	Over 6	Over 150	5

*As rule of thumb, start with a shade that is too dark to see the weld zone. Then go to a lighter shade which gives sufficient view of the weld zone without going below the minimum. In oxyfuel gas welding or cutting where the torch produces a high yellow light, it is desirable to use a filter lens that absorbs the yellow or sodium line in the viable light of the (spectrum) operation.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-04-099, § 296-304-04001, filed 2/4/03, effective 8/1/03. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-04001, filed 1/18/95, effective 3/10/95; 93-19-142 (Order 93-04), § 296-304-04001, filed 9/22/93, effective 11/1/93; Order 74-25, § 296-304-04001, filed 5/7/74.]

WAC 296-304-05001 Scaffolds or staging. (1) General requirements.

(a) All scaffolds and their supports whether of lumber, steel or other material, shall be capable of supporting the load they are designed to carry with a safety factor of not less than four.

(b) All lumber used in the construction of scaffolds shall be spruce, fir, long leaf yellow pine, Oregon pine or wood of equal strength. The use of hemlock, short leaf yellow pine, or short fiber lumber is prohibited.

(c) Lumber dimensions as given are nominal except where given in fractions of an inch.

(d) All lumber used in the construction of scaffolds shall be sound, straight-grained, free from cross grain, shakes and large, loose or dead knots. It shall also be free from dry rot, large checks, worm holes or other defects which impair its strength or durability.

(e) Scaffolds shall be maintained in a safe and secure condition. Any component of the scaffold which is broken, burned or otherwise defective shall be replaced.

(f) Barrels, boxes, cans, loose bricks, or other unstable objects shall not be used as working platforms or for the support of planking intended as scaffolds or working platforms.

(g) No scaffold shall be erected, moved, dismantled or altered except under the supervision of competent persons.

(h) No welding, burning, riveting or open flame work shall be performed on any staging suspended by means of fiber rope.

(i) Lifting bridles on working platforms suspended from cranes shall consist of four legs so attached that the stability of the platform is assured.

(j) Unless the crane hook has a safety latch or is moused, the lifting bridles on working platforms suspended from cranes shall be attached by shackles to the lower lifting block or other positive means shall be taken to prevent them from becoming accidentally disengaged from the crane hook.

(2) Independent pole wood scaffolds.

(a) All pole uprights shall be set plumb. Poles shall rest on a foundation of sufficient size and strength to distribute the load and to prevent displacement.

(b) In light-duty scaffolds not more than 24 feet in height, poles may be spliced by overlapping the ends not less than 4 feet and securely nailing them together. A substantial cleat shall be nailed to the lower section to form a support for the upper section except when bolted connections are used.

(c) All other poles to be spliced shall be squared at the ends of each splice, abutted, and rigidly fastened together by not less than two cleats securely nailed or bolted thereto. Each cleat shall overlap each pole end by at least 24 inches and shall have a width equal to the face of the pole to which it is attached. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the pole.

(d) Ledgers shall extend over two consecutive pole spaces and shall overlap the poles at each end by not less than 4 inches. They shall be left in position to brace the poles as the platform is raised with the progress of the work. Ledgers shall be level and shall be securely nailed or bolted to each pole and shall be placed against the inside face of each pole.

(e) All bearers shall be set with their greater dimension vertical and shall extend beyond the ledgers upon which they rest.

(f) Diagonal bracing shall be provided between the parallel poles, and cross bracing shall be provided between the inner and outer poles or from the outer poles to the ground.

(g) Minimum dimensions and spacing of members shall be in accordance with Table E-1 in WAC 296-304-07011.

(h) Platform planking shall be in accordance with the requirements of (8) of this section.

(i) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(3) Independent pole metal scaffolds.

(a) Metal scaffold members shall be maintained in good repair and free of corrosion.

(b) All vertical and horizontal members shall be fastened together with a coupler or locking device which will form a positive connection. The locking device shall be of a type which has no loose parts.

(c) Posts shall be kept plumb during erection and the scaffold shall be subsequently kept plumb and rigid by means of adequate bracing.

(d) Posts shall be fitted with bases supported on a firm foundation to distribute the load. When wooden sills are used, the bases shall be fastened thereto.

(e) Bearers shall be located at each set of posts, at each level, and at each intermediate level where working platforms are installed.

(f) Tubular bracing shall be applied both lengthwise and crosswise as required.

(g) Platform planking shall be in accordance with the requirements of (8) of this section.

(h) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(4) Wood trestle and extension trestle ladders.

(a) The use of trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet is prohibited. The total height of base and extension may, however, be more than 20 feet.

(b) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows:

(i) Ladders up to and including those 16 feet long shall have side rails of not less than 1 5/16 x 2 3/4 inch lumber.

(ii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1 5/16 x 3 inch lumber.

(c) The side rails of the extension section of the extension trestle ladder shall be parallel and shall have minimum dimensions as follows:

(i) Ladders up to and including 12 feet long shall have side rails of not less than 1 5/16 x 2 1/4 inch lumber.

(ii) Ladders over 12 feet long and up to and including those 16 feet long shall have side rails of not less than 1 5/16 x 2 1/2 inch lumber.

(iii) Ladders over 16 feet long and up to and including those 20 feet long shall have side rails of not less than 1 5/16 x 3 inch lumber. (Rev. 2-17-76)

(d) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be not less than 5 1/2 inches per foot of the length of the ladder.

(e) The width between the side rails at the bottom of the trestle ladder or of the base section of the extension trestle ladder shall be not less than 21 inches for all ladders and sections 6 feet or less in length. For longer lengths of ladder the width shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension section of the trestle ladder shall be not less than 12 inches.

(f) In order to limit spreading, the top ends of the side rails of both the trestle ladder and of the base section of the extension trestle ladder shall be beveled, or of equivalent construction, and shall be provided with a metal hinge.

(g) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of each trestle ladder or extension trestle ladder.

(h) Rungs shall be parallel and level. On the trestle ladder, or on the base section of the extension trestle ladder, rungs shall be spaced not less than 8 inches nor more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches nor more than 12 inches apart.

(i) Platform planking shall be in accordance with the requirements of (8) of this section, except that the width of the platform planking shall not exceed the distance between the side rails.

(j) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(5) Painters' suspended scaffolds.

(a) The supporting hooks of swinging scaffolds shall be constructed to be equivalent in strength to mild steel or wrought iron, shall be forged with care, shall be not less than 7/8 inch in diameter, and shall be secured to a safe anchorage at all times.

(b) The ropes supporting a swinging scaffold shall be equivalent in strength to first-grade 3/4 inch diameter manila rope properly rigged into a set of standard 6 inch blocks consisting of at least one double and one single block.

(c) Manila and wire ropes shall be carefully examined before each operation and thereafter as frequently as may be necessary to ensure their safe condition.

(d) Each end of the scaffold platform shall be supported by a wrought iron or mild steel stirrup or hanger, which in turn is supported by the suspension ropes.

(e) Stirrups shall be constructed so as to be equivalent in strength to wrought iron 3/4 inch in diameter.

(f) The stirrups shall be formed with a horizontal bottom member to support the platform, shall be provided with means to support the guardrail and midrail and shall have a loop or eye at the top for securing the supporting hook on the block.

(g) Two or more swinging scaffolds shall not at any time be combined into one by bridging the distance between them with planks or any other form of platform.

(h) No more than two persons shall be permitted to work at one time on a swinging scaffold built to the minimum specifications contained in this section. Where heavier construction is used, the number of persons permitted to work on the scaffold shall be determined by the size and the safe working load of the scaffold.

(i) Backrails and toeboards shall be in accordance with the requirements of (9) of this section.

(j) The swinging scaffold platform shall be one of the three types described in (k), (l), and (m) of this section.

(k) The ladder-type platform consists of boards upon a horizontal ladder-like structure, referred to herein as the ladder, the side rails of which are parallel. If this type of platform is used the following requirements shall be met:

(i) The width between the side rails shall be no more than 20 inches.

(ii) The side rails of ladders in ladder-type platforms shall be equivalent in strength to a beam of clear straight-grained spruce of the dimensions contained in Table E-2 in WAC 296-304-07011.

(iii) The side rails shall be tied together with tie rods. The tie rods shall be not less than 5/16 inch in diameter, located no more than 5 feet apart, pass through the rails, and be riveted up tight against washers at both ends.

(iv) The rungs shall be of straight-grained oak, ash, or hickory, not less than 1 1/8 inches diameter, with 7/8 inch tenons mortised into the side rails not less than 7/8 inch and shall be spaced no more than 18 inches on centers.

(v) Flooring strips shall be spaced no more than 5/8 inch apart except at the side rails, where 1 inch spacing is permissible.

(vi) Flooring strips shall be cleated on their undersides.

(l) The plank-type platform consists of planks supported on the stirrups or hangers. If this type of platform is used, the following requirements shall be met:

(i) The planks of plank-type platforms shall be not less than 2 x 10 inch lumber.

(ii) The platform shall be no more than 24 inches in width.

(iii) The planks shall be tied together by cleats of not less than 1 x 6 inch lumber, nailed on their undersides at intervals of not more than 4 feet.

(iv) The planks shall extend not less than 6 inches nor more than 18 inches beyond the supporting stirrups.

(v) A cleat shall be nailed across the platform on the underside at each end outside the stirrup to prevent the platform from slipping off the stirrup.

(vi) Stirrup supports shall be not more than 10 feet apart.

(m) The beam-type platform consists of longitudinal side stringers with cross beams set on edge and spaced not more than 4 feet apart on which longitudinal platform planks are laid. If this type platform is used the following requirements shall be met:

(i) The side stringers shall be of sound, straight-grained lumber, free from knots, and of not less than 2 x 6 inch lumber, set on edge.

(ii) The stringers shall be supported on the stirrups with a clear span between stirrups of not more than 16 feet.

(iii) The stringers shall be bolted to the stirrups by U-bolts passing around the stirrups and bolted through the stringers with nuts drawn up tight on the inside face.

(iv) The ends of the stringers shall extend beyond the stirrups not less than 6 inches nor more than 12 inches at each end of the platform.

(v) The platform shall be supported on cross beams of 2 x 6 inch lumber between the side stringers securely nailed thereto and spaced not more than 4 feet on centers.

(vi) The platform shall be not more than 24 inches wide.

(vii) The platform shall be formed of boards 7/8 inch in thickness by not less than 6 inches in width, nailed tightly together, and extending to the outside face of the stringers.

(viii) The ends of all platform boards shall rest on the top of the cross beams, shall be securely nailed, and at no intermediate points in the length of the platform shall there by any cantilever ends.

(6) Horse scaffolds.

(a) The minimum dimensions of lumber used in the construction of horses shall be in accordance with Table E-3 in WAC 296-304-07011.

(b) Horses constructed of materials other than lumber shall provide the strength, rigidity and security required of horses constructed of lumber.

(c) The lateral spread of the legs shall be equal to not less than one-third of the height of the horse.

(d) All horses shall be kept in good repair, and shall be properly secured when used in staging or in locations where they may be insecure.

(e) Platform planking shall be in accordance with the requirements of (8) of this section.

(f) Backrails and toeboards shall be in accordance with (9) of this section.

(7) Other types of scaffolds.

(a) Scaffolds of a type for which specifications are not contained in this section shall meet the general requirements of (1), (8) and (9) of this section, shall be in accordance with recognized principles of design and shall be constructed in accordance with accepted standards covering such equipment.

(8) Scaffold or platform planking.

(a) Except as otherwise provided in (5)(k) and (m), platform planking shall be of not less than 2 x 10 inch lumber. Platform planking shall be straight-grained and free from large or loose knots and may be either rough or dressed.

(b) Platforms of staging shall be not less than two 10 inch planks in width except in such cases as the structure of the vessel or the width of the trestle ladders make it impossible to provide such a width.

(c) Platform planking shall project beyond the supporting members at either end by at least 6 inches but in no case shall project more than 12 inches unless the planks are fastened to the supporting members.

(d) Table E-4 in WAC 296-304-07011 shall be used as a guide in determining safe loads for scaffold planks.

(9) Backrails and toeboards.

(a) Scaffolding, staging, runways, or working platforms which are supported or suspended more than 5 feet above a solid surface, or at any distance above the water, shall be provided with a railing which has a top rail whose upper surface is from 42 to 45 inches above the upper surface of the staging, platform, or runway and a midrail located halfway between the upper rail and the staging, platform, or runway.

(b) Rails shall be of 2 x 4 inch lumber, flat bar or pipe. When used with rigid supports, taut wire or fiber rope of adequate strength may be used. If the distance between supports is more than 8 feet, rails shall be equivalent in strength to 2 x 4 inch lumber. Rails shall be firmly secured. Where exposed to hot work or chemicals, fiber rope rails shall not be used.

(c) Rails may be omitted where the structure of the vessel prevents their use. When rails are omitted employees working more than 5 feet above solid surfaces shall be protected by safety belts and life lines meeting the requirements of WAC 296-304-09021(2), and employees working over water shall be protected by personal flotation devices meeting the requirements of WAC 296-304-09017(1).

(d) Employees working from swinging scaffolds which are triced out of a vertical line below their supports or from

scaffolds on paint floats subject to surging, shall be protected against falling toward the vessel by a railing or a safety belt and line attached to the backrail.

(e) When necessary, to prevent tools and materials from falling on men below, toeboards of not less than 1 x 4 inch lumber shall be provided.

(10) Access to staging.

(a) Access from below to staging more than 5 feet above a floor, deck or the ground shall consist of well secured stairways, cleated ramps, fixed or portable ladders meeting the applicable requirements of WAC 296-304-05003 or rigid type noncollapsible trestles with parallel and level rungs.

(b) Ramps and stairways shall be provided with 36-inch handrails with midrails.

(c) Ladders shall be so located or other means shall be taken so that it is not necessary for employees to step more than one foot from the ladder to any intermediate landing or platform.

(d) Ladders forming integral parts of prefabricated staging are deemed to meet the requirements of these regulations.

(e) Access from above to staging more than 3 feet below the point of access shall consist of a straight, portable ladder meeting the applicable requirements of WAC 296-304-05003 or a Jacob's ladder properly secured, meeting the requirements of WAC 296-304-05007(4).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-05001, filed 2/4/03, effective 8/1/03; Order 76-7, § 296-304-05001, filed 3/1/76; Order 74-25, § 296-304-05001, filed 5/7/74.]

WAC 296-304-05003 Ladders. (1) General requirements.

(a) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited. When ladders with such defects are discovered, they shall be immediately withdrawn from service. Inspection of metal ladders shall include checking for corrosion of interiors of open end, hollow rungs.

(b) When sections of ladders are spliced, the ends shall be abutted, and not fewer than 2 cleats shall be securely nailed or bolted to each rail. The combined cross sectional area of the cleats shall be not less than the cross sectional area of the side rail. The dimensions of side rails for their total length shall be those specified in (2) or (3) of this section.

(c) Portable ladders shall be lashed, blocked or otherwise secured to prevent their being displaced. The side rails of ladders used for access to any level shall extend not less than 36 inches above that level. When this is not practical, grab rails which will provide a secure grip for an employee moving to or from the point of access shall be installed.

(d) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Metal Ladders, A14.2.

(e) Portable metal ladders shall not be used near electrical conductors nor for electric arc welding operations.

(f) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the United States of America Standard Safety Code for Portable Wood Ladders, A-14.

(2) Construction of portable wood cleated ladders up to 30 feet in length.

(a) Wood side rails shall be made from west coast hemlock, eastern spruce, Sitka spruce, or wood of equivalent strength. Material shall be seasoned, straight-grained wood, and free from shakes, checks, decay or other defects which will impair its strength. The use of low density woods is prohibited.

(b) Side rails shall be dressed on all sides, and kept free of splinters.

(c) All knots shall be sound and hard. The use of material containing loose knots is prohibited. Knots shall not appear on the narrow face of the rail and, when in the side face, shall be not more than 1/2 inch in diameter or within 1/2 inch of the edge of the rail or nearer than 3 inches to a tread or rung.

(d) Pitch pockets not exceeding 1/8 inch in width, 2 inches in length and 1/2 inch in depth are permissible in wood side rails, provided that not more than one such pocket appears in each 4 feet of length.

(e) The width between side rails at the base shall be not less than 11 1/2 inches for ladders 10 feet or less in length. For longer ladders this width shall be increased at least 1/4 inch for each additional 2 feet in length.

(f) Side rails shall be at least 1 5/8 x 3 5/8 inches in cross section.

(g) Cleats (meaning rungs rectangular in cross section with the wide dimension parallel to the rails) shall be of the material used for side rails, straight-grained and free from knots. Cleats shall be mortised into the edges of the side rails 1/2 inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or fastened with through bolts or other fasteners of equivalent strength. Cleats shall be uniformly spaced not more than 12 inches apart.

(h) Cleats 20 inches or less in length shall be at least 25/32 x 3 inches in cross section. Cleats over 20 inches but not more than 30 inches in length shall be at least 25/32 x 3 3/4 inches in cross section.

(3) Construction of portable wood cleated ladders from 30 to 60 feet in length.

(a) Ladders from 30 to 60 feet in length shall be in accordance with the specifications of (2) of this section with the following exceptions:

(i) Rails shall be of not less than 2 x 6 inch lumber.

(ii) Cleats shall be of not less than 1 x 4 inch lumber.

(iii) Cleats shall be nailed to each rail with five 10d common wire nails or fastened with through bolts or other fastenings of equivalent strength.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-05003, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-05003, filed 5/7/74.]

WAC 296-304-05005 Guarding of deck openings and edges. (1) When employees are working in the vicinity of flush manholes and other small openings of comparable size in the deck and other working surfaces, such openings shall be suitably covered or guarded to a height of not less than 30 inches, except where the use of such guards is made impracticable by the work actually in progress.

(2) When employees are working around open hatches not protected by coamings to a height of 24 inches or around

other large openings, the edge of the opening shall be guarded in the working area to a height of 36 to 42 inches, except where the use of such guards is made impracticable by the work actually in progress.

(3) When employees are exposed to unguarded edges of decks, platforms, flats, and similar flat surfaces, more than 5 feet above a solid surface, the edges shall be guarded by adequate guardrails meeting the requirements of WAC 296-304-05001 (1)(a) and (b), unless the nature of the work in progress or the physical conditions prohibit the use or installation of such guardrails.

(4) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by buoyant personal flotation devices, meeting the requirements of WAC 296-304-09017(1).

(5) Sections of bilges from which floor plates or gratings have been removed shall be guarded by guardrails except where they would interfere with work in progress. If these open sections are in a walkway at least two 10-inch planks placed side by side, or equivalent, shall be laid across the opening to provide a safe walking surface.

(6) Gratings, walkways, and catwalks, from which sections or ladders have been removed, shall be barricaded with adequate guardrails.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-05005, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-05005, filed 5/7/74.]

WAC 296-304-05009 Access to and guarding of dry docks and marine railways. (1) A gangway, ramp or permanent stairway of not less than 20 inches walking surface, of adequate strength, maintained in safe repair and securely fastened, shall be provided between a floating dry dock and the pier or bulkhead.

(2) Each side of such gangway, ramp or permanent stairway, including those which are used for access to wing walls from dry dock floors, shall have a railing with a midrail. Such railings on gangways or ramps shall be approximately 42 inches in height; and railings on permanent stairways shall be not less than approximately 30 or more than approximately 34 inches in height. Rails shall be of wood, pipe, chain, wire, or rope and shall be kept taut at all times.

(3) Railings meeting the requirements of (2) of this section shall be provided on the means of access to and from the floors of graving docks.

(4) Railings approximately 42 inches in height, with a midrail, shall be provided on the edges of wing walls of floating dry docks and on the edges of graving docks. Sections of the railings may be temporarily removed where necessary to permit line handling while a vessel is entering or leaving the dock.

(5) When employees are working on the floor of a floating dry dock where they are exposed to the hazard of falling into the water, the end of the dry dock shall be equipped with portable stanchions and 42 inch railings with a midrail. When such a railing would be impracticable or ineffective, other effective means shall be provided to prevent employees from falling into the water.

(6) Access to wingwalls from floors of dry docks shall be by ramps, permanent stairways or ladders meeting the applicable requirements of WAC 296-304-05003.

(7) Catwalks on stiles of marine railways shall be no less than 20 inches wide and shall have on at least one side a guardrail and midrail meeting the requirements of WAC 296-304-05001 (9)(a) and (b).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-05009, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-05009, filed 5/7/74.]

WAC 296-304-05013 Working surfaces. (1) When firebox floors present tripping hazards of exposed tubing or of missing or removed refractory, sufficient planking to afford safe footing shall be laid while work is being carried on within the boiler.

(2) The employer must provide and ensure the use of fall protection when employees work aloft or elsewhere at elevations more than 5 feet above a solid surface.

(a) Employees must be protected by the use of scaffolds, ladders, or personal protection equipment according to WAC 296-304-09021, or 296-304-09023.

(b) Employees must work from scaffolds when visually restricted by:

- Blasting hoods;
- Welding helmets; and
- Burning goggles; except
- For the initial and final welding or burning operation to start or complete a job such as the erection and dismantling of hung scaffolding; or
- Other similar, nonrepetitive jobs of brief duration.

(3) For work performed in restricted quarters, such as behind boilers and in between congested machinery units and piping, work platforms at least 20 inches wide meeting the requirements of WAC 296-304-05001 (8)(b) shall be used. Backrails may be omitted if bulkheading, boilers, machinery units, or piping afford proper protection against falling.

(4) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of WAC 296-304-09017(1).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-05013, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-05013, filed 12/26/97, effective 3/1/98; Order 76-7, § 296-304-05013, filed 3/1/76; Order 74-25, § 296-304-05013, filed 5/7/74.]

WAC 296-304-06003 Illumination. (1) All means of access and walkways leading to working areas as well as the working areas themselves shall be adequately illuminated.

(2) Temporary lights shall meet the following requirements:

(a) Temporary lights shall be equipped with guards to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.

(b) Temporary lights shall be equipped with heavy duty electric cords with connections and insulation maintained in safe condition. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices which have insulation equal to that of the cable are permitted.

(c) Cords shall be kept clear of working spaces and walkways or other locations in which they are readily exposed to damage.

(3) Exposed noncurrent-carrying metal parts of temporary lights furnished by the employer shall be grounded either through a third wire in the cable containing the circuit conductors or through a separate wire which is grounded at the source of the current. Grounding shall be in accordance with the requirements of WAC 296-304-08003(2).

(4) Where temporary lighting from sources outside the vessel is the only means of illumination, portable emergency lighting equipment shall be available to provide illumination for safe movement of employees.

(5) Employees shall not be permitted to enter dark spaces without a suitable portable light. The use of matches and open flame lights is prohibited. In nongas free spaces, portable lights shall meet the requirements of WAC 296-304-02005 (2)(i).

(6) Temporary lighting stringers or streamers shall be so arranged as to avoid overloading of branch circuits. Each branch circuit shall be equipped with overcurrent protection of capacity not exceeding the rated current carrying capacity of the cord used.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-06003, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-06003, filed 5/7/74.]

WAC 296-304-07009 Hoisting and hauling equipment. (1) Derrick and crane certification:

(a) Derricks and cranes which are part of, or regularly placed aboard barges, other vessels, or on wingwalls of floating drydocks, and are used to transfer materials or equipment from or to a vessel or drydock, shall be tested and certificated in accordance with the standards provided in WAC 296-304-130 gear certification, by persons accredited for that purpose.

(b) Subsection (a) of this section shall take effect 180 days after the effective date of the amendment.

(2) The moving parts of hoisting and hauling equipment shall be guarded.

(3) Mobile crawler or truck cranes used on a vessel:

(a) The maximum manufacturer's rated safe working loads for the various working radii of the boom and the maximum and minimum radii at which the boom may be safely used with and without outriggers shall be conspicuously posted near the controls and shall be visible to the operator. A radius indicator shall be provided.

(b) The posted safe working loads of mobile crawler or truck cranes under the conditions of use shall not be exceeded.

(4) Accessible areas within the swing radius of the outermost part of the body of a revolving derrick or crane whether permanently or temporarily mounted, shall be guarded in such a manner as to prevent an employee from being in such a position as to be struck by the crane or caught between the crane and fixed parts of the vessel or of the crane itself.

(5) Marine railways:

(a) The cradle or carriage on the marine railway shall be positively blocked or secured when in the hauled position to prevent it from being accidentally released.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-07009, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-07009, filed 5/7/74.]

WAC 296-304-07011 Use of gear. (1) Loads shall be safely rigged before being hoisted.

(2) Plates shall be handled on and off hulls by means of shackles whenever possible. Clips or pads of ample size shall be welded to the plate to receive the shackle pins whenever there are no holes in the plate. When it is not possible to make holes in or to weld pads to the plate, alligator tongs, grab hooks, grab clamps or screw clamps may be used. In such cases special precautions shall be taken to keep employees from under such lifts.

(3) Tag lines shall be provided on loads likely to swing or to need guidance.

(4) When slings are secured to eyebolts, the slings shall be so arranged, using spreaders if necessary, that the pull is within 20 degrees of the axis of the bolt.

(5) Slings shall be padded by means of wood blocks or other suitable material where they pass over sharp edges or corners of loads so as to prevent cutting or kinking.

(6) Skips shall be rigged to be handled by not less than 3 legged bridles, and all legs shall always be used. When open end skips are used, means shall be taken to prevent the contents from falling.

(7) Loose ends of idle legs of slings in use shall be hung on the hook.

(8) Employees shall not be permitted to ride the hook or the load.

(9) Loads (tools, equipment or other materials) shall not be swung or suspended over the heads of employees.

(10) Pieces of equipment or structure susceptible to falling or dislodgement shall be secured or removed as early as possible.

(11) An individual who is familiar with the signal code in use shall be assigned to act as a signalman when the hoist operator cannot see the load being handled. Communications shall be made by means of clear and distinct visual or auditory signals except that verbal signals shall not be permitted.

(12) Pallets, when used, shall be of such material and construction and so maintained as to safely support and carry the loads being handled on them.

(13) A section of hatch through which materials or equipment are being raised, lowered, moved, or otherwise shifted manually or by a crane, winch, hoist, or derrick, shall be completely opened. The beam or pontoon left in place adjacent to an opening shall be sufficiently lashed, locked or otherwise secured to prevent it from moving so that it cannot be displaced by accident.

(14) Hatches shall not be opened or closed while employees are in the square of the hatch below.

(15) Before loads or empty lifting gear are raised, lowered, or swung, clear and sufficient advance warning shall be given to employees in the vicinity of such operations.

(16) At no time shall an employee be permitted to place himself in hazardous position between a swinging load and a fixed object.

TABLE E-1

DIMENSIONS AND SPACING OF WOOD INDEPENDENT-POLE SCAFFOLD MEMBERS

Structural Members	Light duty (Up to 25 pounds per square foot) Height in feet			Heavy duty (25 to 75 pounds per square foot) Height in feet		
	< 24	>24<40	40<60	<24	>24<40	40<60
Poles or uprights (in inches)	2x4	3x4 or 2x6	4x4	3x4	4x4	4x6
Bearers (in inches)	2x4	2x6	2x6	2x8	2x8	2x10
Ledgers (in inches)	2x6	2x6	2x6	2x8	2x8	2x8
Stringer (not supporting bearers) (in inches)	1x6	1x6	1x6	1x6	1x6	1x6
Braces (in inches)	1x4	1x6	1x6	1x6	1x6	1x6
Pole spacing—longitudinally (in feet)	7 1/2	7 1/2	7 1/2	7	7	7
Pole spacing—transversely (in feet)	6 1/2 min	7 1/2 min	8 1/2 min	6 1/2	10	10
Ledger spacing—vertically (in feet)	7	7	7	4 1/2	4 1/2	4 1/2

TABLE E-2

SPECIFICATIONS FOR SIDE RAILS OF LADDERS

Length (in feet)	Cross section (in inches) At ends	At center
15	1 7/8 x 2 3/4	1 7/8 x 3 3/4
16	1 7/8 x 2 3/4	1 7/8 x 3 3/4
17	1 7/8 x 3	1 7/8 x 4
18	1 7/8 x 3	1 7/8 x 4
20	1 7/8 x 3	1 7/8 x 4 1/2
24	1 7/8 x 3	1 7/8 x 4 1/2

TABLE E-3

SPECIFICATIONS FOR THE CONSTRUCTION OF HORSES

Structural Members	Height in feet <10	>10<16	16<20
	Inches	Inches	Inches
Legs	2x4	3x4	4x6
Bearers or headers	2x6	2x8	4x6
Crossbraces	2x4 or 1x8	2x4	2x6
Longitudinal braces	2x4	2x6	2x6

TABLE E-4

SAFE CENTER LOADS FOR SCAFFOLD PLANK OF 1,100 POUNDS FIBRE STRESS

[Codification note: The graphic presentation of this table has been varied in order that it would fall within the printing specifications for the Washington Administrative Code. The following table had lumber dimensions in the table heading typed in vertically across the page while the remainder of the table was typed horizontally on the page. The "Span in Feet" materials (6 through 16) which ran top to bottom has been switched to run left to right on the page. The "Lumber dimensions in inches" which ran left to right on the page has been switched to run top to bottom on the page.]

Lumber dimensions in inches	Span in Feet 6	8	10	12	14	16
A-2 x 10 B-1 5/8 x 9 1/2 A-2 x 12	256	192	153	128	110	——
B-1 5/8 x 11 1/2 A-3 x 8	309	232	186	155	133	116
B-2 5/8 x 7 1/2 A-3 x 10	526	395	316	263	225	197
B-2 5/8 x 9 1/2 A-3 x 12	667	600	400	333	286	250
B-2 5/8 x 11 1/2	807	605	484	404	346	303

(A)—Rough lumber.
(B)—Dressed lumber.

TABLE G-1

MANILA ROPE
(in pounds or tons of 2000 pounds)

Circumference	Diameter in Inches	Single Leg (illus.)	60° (illus.)	45° (illus.)	30° (illus.)
3/4	1/4	120 lbs.	204 lbs.	170 lbs.	120 lbs.
1	5/16	200	346	282	200
1-1/8	3/8	270	467	380	270
1-1/4	7/16	350	605	493	350
1-3/8	15/32	450	775	635	450
1-1/2	1/2	530	915	798	530
1-3/4	9/16	690	1190	973	690
2	5/8	880	1520	1240	880
2-1/4	3/4	1080	1870	1520	1080
2-1/2	13/16	1300	2250	1830	1300
2-3/4	7/8	1540	2660	2170	1540
3	1	1800	3120	2540	1800
3-1/4	1-1/16	1.0 tons	1.7 tons	1.4 tons	1.0 tons
3-1/2	1-1/8	1.2	2.1	1.7	1.2
3-3/4	1-1/4	1.35	2.3	1.9	1.35
4	1-5/16	1.5	2.6	2.1	1.5
4-1/2	1-1/2	1.8	3.1	2.5	1.8
5	1-5/8	2.25	3.9	3.2	2.25
5-1/2	1-3/4	2.6	4.5	3.7	2.6
6	2	3.1	5.4	4.4	3.1
6-1/2	2-1/8	3.6	6.2	5.1	3.6

TABLE G-2

RATED CAPACITIES FOR IMPROVED PLOW STEEL, INDEPENDENT WIRE ROPE CORE, WIRE ROPE AND WIRE ROPE SLINGS
(in tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG Vertical A	B	C	Choker A	B	C
6X19 CLASSIFICATION						
1/4"	.59	.56	.53	.44	.42	.40
3/8"	1.3	1.2	1.1	.98	.93	.86
1/2"	2.3	2.2	2.0	1.7	1.6	1.5
5/8"	3.6	3.4	3.0	2.7	2.5	2.2
3/4"	5.1	4.9	4.2	3.8	3.6	3.1
7/8"	6.9	6.6	5.5	5.2	4.9	4.1
1"	9.0	8.5	7.2	6.7	6.4	5.4
1-1/8"	11.0	10.0	9.0	8.5	7.8	6.8
6X37 CLASSIFICATION						
1-1/4"	13.	12.	10.	9.9	9.2	7.9
1-3/8"	16.	15.	13.	12.	11.	9.6
1-1/2"	19.	17.	15.	14.	13.	11.
1-3/4"	26.	24.	20.	19.	18.	15.
2"	33.	30.	26.	25.	23.	20.
2-1/4"	41.	38.	33.	31.	29.	25.

(A) - Socket or swaged terminal attachment
(B) - Mechanical sleeve attachment.
(C) - Hand tucked splice attachment.

TABLE G-3

RATED CAPACITIES FOR
IMPROVED PLOW STEEL,
INDEPENDENT WIRE ROPE CORE,
WIRE ROPE SLINGS
(in tons of 2000 pounds)

[Codification note: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables covering the "TWO—LEG BRIDLE OR BASKET HITCH" for 6x19 Classification and for 6x37 Classification. Part One has Rope Diameter in Inches for Vertical and 60° within the two classifications. Part Two has Rope Diameter in Inches for 45° and 30° within the two classifications.]

TWO - LEG BRIDLE OR BASKET HITCH
(TABLE G-3: Part 1—Vertical and 60° Positions)

Rope Dia. Inches	Vertical			60° (illus.)		
	A	B	C	A	B	C
6X19 CLASSIFICATION						
1/4"	1.2	1.1	1.0	1.0	.97	.92
3/8"	2.6	2.5	2.3	2.3	2.1	2.0
1/2"	4.6	4.4	3.9	4.0	3.8	3.4
5/8"	7.2	6.8	6.0	6.2	5.9	5.2
3/4"	10.	9.7	8.4	8.9	8.4	7.3
7/8"	14.	13.	11.	12.	11.	9.6
1"	18.	17.	14.	15.	15.	12.
1-1/8"	23.	21.	18.	19.	18.	16.
6X37 CLASSIFICATION						
1-1/4"	26.	24.	21.	23.	21.	18.
1-3/8"	32.	29.	25.	28.	25.	22.
1-1/2"	38.	35.	30.	33.	30.	26.
1-3/4"	51.	47.	41.	44.	41.	35.
2"	66.	61.	53.	57.	53.	46.
2-1/4"	83.	76.	66.	72.	66.	57.

TWO - LEG BRIDLE OR BASKET HITCH
(TABLE G-3: Part 2—45° and 30° Positions)

Rope Dia. Inches	45° (Illus.)			30° (illus.)		
	A	B	C	A	B	C
6X19 CLASSIFICATION						
1/4"	.83	.79	.75	.59	.56	.53
3/8"	1.8	1.8	1.6	1.3	1.2	1.1
1/2"	3.2	3.1	2.8	2.3	2.2	2.0
5/8"	5.1	4.8	4.2	3.6	3.4	3.0
3/4"	7.2	6.9	5.9	5.1	4.9	4.2
7/8"	9.8	9.3	7.8	6.9	6.6	5.5
1"	13.	12.	10.	9.0	8.5	7.2
1-1/8"	16.	15.	13.	11.	10.	9.0
6X37 CLASSIFICATION						
1-1/4"	19.	17.	15.	13.	12.	10.
1-3/8"	22.	21.	18.	16.	15.	13.
1-1/2"	27.	25.	21.	19.	17.	15.
1-3/4"	36.	33.	29.	26.	24.	20.
2"	47.	43.	37.	33.	30.	26.
2-1/4"	58.	54.	47.	41.	38.	33.

(A) - Socket or swaged terminal attachment.
(B) - Mechanical sleeve attachment.
(C) - Hand tucked splice attachment.

TABLE G-4

RATED CAPACITIES FOR
IMPROVED PLOW STEEL,
FIBER CORE, WIRE ROPE AND
WIRE ROPE SLINGS
(in tons of 2000 pounds)

Rope Dia. Inches	SINGLE LEG					
	Vertical			Choker		
	A	B	C	A	B	C
6X19 CLASSIFICATION						
1/4	.55	.51	.49	.41	.38	.37
3/8	1.2	1.1	1.1	.91	.85	.80
1/2	2.1	2.0	1.8	1.6	1.5	1.4
5/8	3.3	3.1	2.8	2.5	2.3	2.1
3/4	4.8	4.4	3.9	3.6	3.3	2.9
7/8	6.4	5.9	5.1	4.8	4.5	3.9
1	8.4	7.7	6.7	6.3	5.8	5.0
1-1/8	10.	9.5	8.4	7.9	7.1	6.3
6X37 CLASSIFICATION						
1-1/4	12.	11.	9.8	9.2	8.3	7.4
1-3/8	15.	13.	12.	11.	10.	8.9
1-1/2	17.	16.	14.	13.	12.	10.
1-3/4	24.	21.	19.	18.	16.	14.
2	31.	28.	25.	23.	21.	18.

(A) - Socket or swaged terminal attachment.
(B) - Mechanical sleeve attachment.
(C) - Hand tucked splice attachment.

TABLE G-5

RATED CAPACITIES FOR IMPROVED PLOW
STEEL, FIBER CORE, WIRE ROPE SLINGS
(in tons of 2000 pounds)

[Codification note: The graphic presentation of this table has been varied slightly in order that it would fall within the printing specifications for the Washington Administrative Code. The following table was too wide to be accommodated in the width of the WAC column. The table as codified has been divided into two tables covering the "TWO - LEG BRIDLE OR BASKET HITCH" for 6x19 Classification and for 6x37 Classification. Part One has Rope Diameter in Inches for Vertical and 60° within the two classifications. Part Two has Rope Diameter in Inches for 45° and 30° within the two classifications.]

TWO - LEG BRIDLE OR BASKET HITCH
(TABLE G-5: Part 1—Vertical and 60° Positions)

Rope Dia. Inches	Vertical			60° (Illus.)		
	A	B	C	A	B	C
6X19 CLASSIFICATION						
1/4	1.1	1.0	.99	.95	.88	.85
3/8	2.4	2.2	1.9	2.1	1.9	1.8
1/2	4.3	3.9	3.7	3.7	3.4	3.2
5/8	6.7	6.2	5.6	5.8	5.3	4.8
3/4	9.5	8.8	7.8	8.2	7.6	6.8
7/8	13.	12.	10.	11.	10.	8.9
1	17.	15.	13.	14.	13.	11.
1-1/8	21.	19.	17.	18.	16.	14.
6X37 CLASSIFICATION						
1-1/4	25.	22.	20.	21.	19.	17.
1-3/8	30.	27.	24.	26.	23.	20.
1-1/2	35.	23.	28.	30.	27.	24.
1-3/4	48.	43.	38.	41.	37.	33.
2	62.	55.	49.	53.	48.	43.

TWO - LEG BRIDLE OR BASKET HITCH
(TABLE G-5: Part 2—45° and 30° Positions)

Rope Dia. Inches	45° (Illus.) A	B	C	30° (Illus.) A	B	C
6X19 CLASSIFICATION						
1/4	.77	.72	.70	.55	.51	.49
3/8	1.7	1.6	1.5	1.2	1.1	1.1
1/2	3.0	2.8	2.6	2.1	2.0	1.8
5/8	4.7	4.4	4.0	3.3	3.1	2.8
3/4	6.7	6.2	5.5	4.8	4.4	3.9
7/8	9.1	8.4	7.3	6.4	5.9	5.1
1	12.	11.	9.4	8.4	7.7	6.7
1-1/8	15.	13.	12.	10.	9.5	8.4
6X37 CLASSIFICATION						
1-1/4	17.	16.	14.	12.	11.	9.8
1-3/8	21.	19.	17.	15.	13.	12.
1-1/2	25.	22.	20.	17.	16.	14.
1-3/4	34.	30.	27.	24.	21.	19.
2	43.	39.	35.	31.	28.	25.

(A) - Socket or swaged terminal attachment.
(B) - Mechanical sleeve attachment.
(C) - Hand tucked splice attachment.

TABLE G-6

NUMBER AND SPACING OF U-BOLT WIRE ROPE CLIPS

Improved plow steel rope diameter inches	Number of Clips: Drop forged	Other material	Minimum spacing (inches)
*	...	...	
1/2	3	4	3
5/8	3	4	3 3/4
3/4	4	5	4 1/2
7/8	4	5	5 1/4
1	4	6	6
1 1/8	5	6	6 3/4
1 1/4	5	7	7 1/2
1 3/8	6	7	8 1/4
1 1/2	6	8	9

*Three clips shall be used on wire size less than 1/2-inch diameter.

TABLE G-7

WROUGHT IRON CHAIN
(in pounds or tons of 2000 pounds)

Nominal Size Chain Stock Inch	Single Leg (illus.)	60° (illus.)	45° (illus.)	30° (illus.)
* 1/4	1060	1835	1500	1060
* 5/16	1655	2865	2340	1655
3/8	2385	2.1	3370	2385
* 7/16	3250	2.8	2.3	3250
1/2	12.1	13.7	13.0	12.1
* 9/16	12.7	14.6	13.8	12.7
5/8	13.3	15.7	14.7	13.3
3/4	14.8	18.3	16.7	14.8
7/8	16.5	11.2	19.2	16.5
1	18.5	14.7	12.0	18.5
1- 1/8	10.0	17.3	14.2	10.0
1- 1/4	12.4	21.4	17.5	12.4
1- 3/8	15.0	25.9	21.1	15.0
1- 1/2	17.8	30.8	25.2	17.8
1- 5/8	20.9	36.2	29.5	20.9
1- 3/4	24.2	42.0	34.3	24.2
1- 7/8	27.6	47.9	39.1	27.6
2	31.6	54.8	44.8	31.6

*These sizes of wrought iron chain are no longer manufactured in the United States.

TABLE G-8

ALLOY STEEL CHAIN
(in tons of 2000 pounds)

Nominal Size Chain Stock Inch	Single Leg (illus.)	60° (illus.)	45° (illus.)	30° (illus.)
1/4	1.62	2.82	2.27	1.62
3/8	3.30	5.70	4.65	3.30
1/2	5.62	9.75	7.90	5.62
5/8	8.25	14.25	11.65	8.25
3/4	11.5	19.9	16.2	11.5
7/8	14.3	24.9	20.3	14.3
1	19.3	33.4	27.3	19.8
1-1/8	22.2	38.5	31.5	22.2
1-1/4	28.7	49.7	40.5	28.7
1-3/8	33.5	58.0	47.0	33.5
1-1/2	39.7	68.5	56.0	39.7
1-5/8	42.5	73.5	59.5	42.5
1-3/4	47.0	81.5	62.0	47.0

TABLE G-9

MAXIMUM ALLOWABLE WEAR AT ANY POINT OF LINK

Chain size in inches	Maximum allowable wear in fraction of inches
1/4 (9/32)	3/64
3/8	5/64
1/2	7/64
5/8	9/64
3/4	5/32
7/8	1/64
1	3/16
1 1/8	7/32
1 1/4	1/4
1 3/8	9/32
1 1/2	5/16
1 3/4	1/32

TABLE G-10

SAFE WORKING LOADS FOR SHACKLES
(in tons of 2,000 pounds)

Material size (inches)	Pin diameter (inches)	Safe working load
1/2	5/8	1.4
5/8	3/4	2.2
3/4	7/8	3.2
7/8	1	4.3
1	1 1/8	5.6
1 1/8	1 1/4	6.7
1 1/4	1 3/8	8.2
1 3/8	1 1/2	10.0
1 1/2	1 5/8	11.9
1 3/4	2	16.2
2	2 1/4	21.2

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-07011, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-07011, filed 5/7/74.]

WAC 296-304-07013 Qualifications of operators. (1) When ship's gear is used to hoist materials aboard, a competent person shall determine that the gear is properly rigged, that it is in safe condition, and that it will not be overloaded by the size and weight of the lift.

(2) Only those employees who understand the signs, notices, and operating instructions, and are familiar with the signal code in use, shall be permitted to operate a crane, winch, or other power operated hoisting apparatus.

(3) No employee known to have defective uncorrected eyesight or hearing, or to be suffering from heart disease, epilepsy, or similar ailments which may suddenly incapacitate him, shall be permitted to operate a crane, winch or other power operated hoisting apparatus.

(4) No minor under eighteen years of age shall be employed in occupations involving the operation of any power-driven hoisting apparatus or assisting in such operations by work such as hooking on, loading slings, rigging gear, etc.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-07013, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-07013, filed 12/26/97, effective 3/1/98; Order 74-25, § 296-304-07013, filed 5/7/74.]

WAC 296-304-08001 General precautions. (1) Hand lines, slings, tackles of adequate strength, or carriers such as tool bags with shoulder straps shall be provided and used to handle tools, materials, and equipment so that employees will have their hands free when using ship's ladders and access ladders. The use of hose or electric cords for this purpose is prohibited.

(2) When air tools of the reciprocating type are not in use, the discs and tools shall be removed.

(3) All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to the covering position.

(4) The moving parts of machinery on dry docks shall be guarded.

(5) Before use, pneumatic tools shall be secured to the extension hose or whip by some positive means to prevent the tool from becoming accidentally disconnected from the whip.

(6) The moving parts of drive mechanisms, such as gearing and belting on large portable tools, shall be adequately guarded.

(7) Headers, manifolds, and widely spaced hose connections on compressed air lines shall bear the word "air" in letters at least 1 inch high, which shall be painted either on the manifolds or separate hose connections, or on signs permanently attached to the manifolds or connections. Grouped air connections may be marked in one location.

(8) Before use, compressed air hose shall be examined. Visibly damaged and unsafe hose shall not be used.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-08001, filed 2/4/03, effective 8/1/03; Order 76-7, § 296-304-08001, filed 3/1/76; Order 74-25, § 296-304-08001, filed 5/7/74.]

WAC 296-304-08009 Powder-actuated fastening tools. (1) The employer must ensure powder-actuated fastening tools are used, designed, constructed, and maintained according to the requirements of WAC 296-24-663, Safety requirements for powder-actuated fastening systems.

(2) The employer must ensure that employees using powder-actuated fastening tools are protected by personal protective equipment that meets the requirements of WAC 296-304-09005 (1) and (2). The employer must also meet the requirements of chapter 296-817 WAC, Hearing loss prevention (noise).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-304-08009, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-08009, filed 12/26/97, effective 3/1/98. Statutory Authority: Chapter 49.17 RCW. 95-04-006, § 296-304-08009, filed 1/18/95, effective 3/10/95; Order 76-7, § 296-304-08009, filed 3/1/76; Order 74-25, § 296-304-08009, filed 5/7/74.]

WAC 296-304-09009 Hearing protection. The employer must meet the requirements of chapter 296-817 WAC, Hearing loss prevention (noise).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-304-09009, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-09009, filed 12/26/97, effective 3/1/98.]

WAC 296-304-09017 Lifesaving equipment. (1) Personal flotation devices (PFD).

• You must provide your employees with PFDs approved by the United States Coast Guard for use on commercial or merchant vessels. The following are appropriate or allowable United States Coast Guard approved PFDs:

Type of PFD	General Description
Type I	Off-shore life jacket - effective for all waters or where rescue may be delayed.
Type II	Near-shore buoyant vest - intended for calm, inland water or where there is a good chance of quick rescue.
Type III	Flotation aid - good for calm, inland water, or where there is a good chance of rescue.
Type V	Flotation aids such as board-sailing vests, deck suits, work vests and inflatable PFDs marked for commercial use.

Note: • Commercially available PFDs are marked or imprinted with the Type of PFD.
• Type IV PFDs are throwable devices. They are used to aid persons who have fallen into the water.
• The requirements for USCG approval are in 46 CFR Part 160, Coast Guard Lifesaving Equipment Specifications.

The employer must ensure that each personal flotation device is inspected before use for dry rot, chemical damage, or other defects that may affect its strength and buoyancy. Defective personal floatation devices shall not be used.

(2) Ring life buoys and ladders.

(a) The employer must ensure that when work is performed on a floating vessel 200 feet (61 m) or more in length, at least three 30-inch (0.76 m) U.S. Coast Guard approved ring life buoys with lines attached are located in readily visible and accessible places. Ring life buoys must be located one forward, one aft, and one at the access to the gangway.

(b) On floating vessels under 200 feet (61 m) in length, at least one 30-inch (0.76 m) U.S. Coast Guard approved ring life buoy with line attached must be located at the gangway.

(c) At least one 30-inch (0.76 m) U.S. Coast Guard approved ring life buoy with a line attached must be located on each staging alongside of a floating vessel on which work is performed.

(d) At least 90 feet (27.43 m) of line must be attached to each ring life buoy.

(e) There must be at least one portable or permanent ladder near each floating vessel on which work is performed. The ladder must be long enough to help an employee reach safety in the event of a fall into the water.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-09017, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-09017, filed 12/26/97, effective 3/1/98.]

WAC 296-304-09021 Personal fall arrest systems (PFAS). Personal fall arrest systems must meet the requirements of this section.

(1) The employer must ensure that connectors and anchorages meet the following criteria:

(a) Connectors are made of drop forged, pressed, or formed steel or of materials with equivalent strength.

(b) Connectors have a corrosion-resistant finish, and all surfaces and edges are smooth to prevent damage to the interfacing parts of the system.

(c) D-rings and snaphooks can sustain a minimum tensile load of 5,000 pounds (22.24 Kn).

(d) D-rings and snaphooks are proof-tested to a minimum tensile load of 3,600 pounds (16 Kn) without cracking, breaking, or being permanently deformed.

(e) Snaphooks lock and are designed and used to prevent disengagement of the snaphook by contact of the snaphook keeper with the connected part.

(f) On suspended scaffolds or similar work platforms with horizontal lifelines that may become vertical lifelines, the devices used for connection to the horizontal lifeline can lock in any direction on the lifeline.

(g) Anchorages used for attachment of personal fall arrest equipment are independent of any anchorage used to support or suspend platforms.

(h) Anchorages can support at least 5,000 pounds (22.24 Kn) per employee attached, or are designed, installed, and used as follows:

(i) As part of a complete personal fall arrest system that maintains a safety factor of at least two; and

(ii) Under the direction and supervision of a qualified person.

(2) The employer must ensure that lifelines, lanyards, and personal fall arrest systems meet the following criteria:

(a) When vertical lifelines are used, each employee has a separate lifeline.

(b) Vertical lifelines and lanyards have a minimum tensile strength of 5,000 pounds (22.24 Kn).

(c) Self-retracting lifelines and lanyards that automatically limit free fall distances to 2 feet (0.61 m) or less can sustain a minimum tensile load of 3000 pounds (13.34 Kn) applied to a self-retracting lifeline or lanyard with the lifeline or lanyard in the fully extended position.

(d) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards and tearing and deforming lanyards can sustain a minimum static tensile load of 5,000 pounds (22.24 Kn) applied to the device when they are in the fully extended position.

(e) Horizontal lifelines are designed, installed, and used under the supervision of a qualified person, and only used as part of a complete personal fall arrest system that maintains a safety factor of at least two.

Note: The system strength needs below are based on a maximum combined weight of employee and tools of 310 pounds. If combined weight is more than 310 pounds (140.62 kg), appropriate allowances must be made or the system will not be in compliance.

(f) Effective April 20, 1998, the employer must ensure that personal fall arrest systems:

(i) Limit the maximum arresting force on a falling employee to 1,800 pounds (8 Kn) when used with a body harness;

(ii) Bring a falling employee to a complete stop and limit the maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Are strong enough to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(g) The employer must ensure that personal fall arrest systems are rigged so that an employee can neither free fall more than 6 feet (1.83 m) nor contact any lower level.

(3) The employer must select, use, and care for systems and system components according to the following requirements:

(a) Lanyards are attached to employees using personal fall arrest systems, as follows:

The attachment point of a body harness is in the center of the wearer's back near the shoulder level, or above the wearer's head. If the maximum free fall distance is less than 20 inches, the attachment point may be located in the chest position.

(b) Ropes and straps (webbing) used in lanyards, lifelines and strength components of body harnesses are made from synthetic fibers or wire rope.

(c) Ropes, harnesses, and lanyards are compatible with their hardware.

(d) Lifelines and lanyards are protected against cuts, abrasions, burns from hot work operations and deterioration by acids, solvents, and other chemicals.

(e) Personal fall arrest systems are inspected before each use for mildew, wear, damage, and other deterioration. Defective components are removed from service.

(f) Personal fall arrest systems and components subjected to impact loading are immediately removed from service and not used again for employee protection until

inspected and determined by a qualified persons to be undamaged and suitable for reuse.

(g) The employer must provide for prompt rescue of employees in the event of a fall or must ensure that employees are able to rescue themselves.

(h) Personal fall arrest systems and components are used only for employee fall protection and not to hoist materials.

(4) Training. Before using personal fall arrest equipment, the employer must ensure that each affected employee is trained to understand the application limits of the equipment and proper hook-up, anchoring, and tie-off techniques. Affected employees must also be trained to demonstrate the proper use, inspection, and storage of their equipment.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-09021, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-09021, filed 12/26/97, effective 3/1/98.]

WAC 296-304-09023 Positioning device systems. The employer must ensure that positioning device systems and their use meet the requirements of this section.

(1) The employer must ensure that connectors and anchorages meet the following criteria:

(a) Connectors have a corrosion-resistant finish, and all surfaces and edges are smooth to prevent damage to interfacing parts of this system.

(b) Connecting assemblies have a minimum tensile strength of 5,000 pounds (22.24 Kn).

(c) Positioning device systems are secured to an anchorage that can support at least twice the potential impact load of an employee's fall.

(d) Only locking type snaphooks are used in positioning device systems.

(2) The employer must ensure that positioning device systems meet the following criteria:

(a) Restraint (tether) lines have a minimum breaking strength of 3,000 pounds (13.34 Kn).

(b) Beginning April 20, 1998, the following system performance criteria for positioning device systems are met:

(i) A window cleaner's positioning system can withstand without failure, a drop test consisting of a 6-foot (1.83 m) drop of a 250-pound (113.34 kg) weight. The system limits the initial arresting force to a maximum of 2,000 pounds (8.89 Kn), with a maximum duration of 2 milliseconds. The system limits any subsequent arresting forces imposed on the falling employee to a maximum of 1,000 pounds (4.45 Kn);

(ii) All other positioning device systems can withstand without failure a drop test consisting of a 4-foot (1.22 m) drop of a 250-pound (113.34 kg) weight.

(3) The employer must ensure that a positioning device system is used and cared for according to the following requirements:

(a) Positioning device systems are inspected before each use for mildew, wear, damage, and other deterioration. Defective components are removed from service.

(b) A positioning device system or component subjected to impact loading is immediately removed from service and not used again for employee protection, unless inspected and determined by a qualified person to be undamaged and suitable for reuse.

(4) Training. Before using a positioning device system, the employer must ensure that employees are trained in the application limits, proper hook-up, anchoring and tie-off techniques, methods of use, inspection, and storage of positioning device systems.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-09023, filed 2/4/03, effective 8/1/03. Statutory Authority: RCW 49.17.040, [49.17].050 and [49.17].060. 98-02-006, § 296-304-09023, filed 12/26/97, effective 3/1/98.]

WAC 296-304-10003 Ship's piping systems. Before work is performed on a valve, fitting, or section of piping in a piping system where employees may be subject to injury from the direct escape of steam, or water, oil, or other medium at a high temperature, the employer shall insure that the following steps are taken:

(1) The isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, blanked, and tagged indicating that employees are working on the systems. This tag shall not be removed nor the valves unblanked until it is determined that this may be done without creating a hazard to the employees working on the system, or until the work on the system is completed. Where valves are welded instead of bolted at least two isolation and shutoff valves connecting the dead system with the live system or systems shall be secured, locked, and tagged.

(2) Drain connections to the atmosphere on all of the dead interconnecting systems shall be opened for visual observation of drainage.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-10003, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-10003, filed 5/7/74.]

WAC 296-304-10007 Ship's deck machinery. (1) Before work is performed on the anchor windlass or any of its attached accessories, the employer shall ensure that the following steps are taken:

(a) The devil claws (also known as chain toppers) shall be made fast to the anchor chains.

(b) The riding pawls shall be in the engaged position.

(c) In the absence of devil claws and riding pawls, the anchor chains shall be secured to a suitable fixed structure of the vessel.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-04-099, § 296-304-10007, filed 2/4/03, effective 8/1/03; Order 74-25, § 296-304-10007, filed 5/7/74.]

Chapter 296-305 WAC
SAFETY STANDARDS FOR FIRE FIGHTERS

WAC

296-305-01515 First-aid training and certification.
296-305-02005 Hearing protection.
296-305-02501 Emergency medical protection.
296-305-05503 Summary of training requirements.

WAC 296-305-01515 First-aid training and certification. (1) All fire fighters except directors of fire departments and the directors' designated personnel, shall have as a minimum first-aid training as evidenced by a current, valid first-aid card, EMT or First Responder certification.

(2) New fire fighters shall have such first-aid training within 90 days of the date of their employment or enroll for training in the next available class for which they are eligible.

(3) First-aid training and certification for other employees and directors of fire departments shall conform to the requirements of WAC 296-800-150.

(4) Fire service duties include exposure to bloodborne pathogens. The requirements of this section and chapter 296-823 WAC, Occupational exposure to bloodborne pathogens, shall apply.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-305-01515, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-305-01515, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-01515, filed 5/10/96, effective 1/1/97.]

WAC 296-305-02005 Hearing protection. Fire departments must address noise issues as required by chapter 296-817 WAC, Hearing loss prevention (noise).

Note: Although noise levels may exceed the 115 dBA ceiling limit for noise exposures during structural fire fighting activities, hearing protection that will survive these conditions and not interfere with other essential gear may not always be available. Fire departments must consider daily noise exposures and exposures to noise outside direct fire fighting activities when selecting hearing protection and may use less protection during direct fire protection when adequate hearing protection is not technically feasible.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-11-060, § 296-305-02005, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-02005, filed 5/10/96, effective 1/1/97.]

WAC 296-305-02501 Emergency medical protection. (1) Fire fighters who perform emergency medical care or otherwise may be exposed to blood or other body fluids shall be provided with emergency medical face protection devices, and emergency medical garments that meet the applicable requirements of NAPA, Standard on Protective Clothing for Emergency Medical Operations 1999, 1992 edition.

Note: Prior to purchase, fire departments should request the technical data package required in NAPA 1999, 1992 edition, in order to compare glove and garment performance data. Departments reviewing these packages should ensure a relative ranking of the performance data before they purchase in order to provide the best performance of the EMS personal protective clothing.

(2) Fire fighters shall don emergency medical gloves prior to initiating any emergency patient care.

(3) Fire fighters shall don emergency medical garments and emergency medical face protection devises prior to any patient care during which splashes of body fluids can occur such as situations involving spurting blood or childbirth.

Note: Fire fighter turnout gear and gloves with vapor barriers may be used in lieu of emergency medical gloves and garments.

(4) Contaminated emergency medical garments, emergency medical face protection, gloves, devices, and emergency medical gloves shall be cleaned and disinfected, or disposed of, in accordance with chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

(5) Fire departments shall establish a designated infection (exposure) control officer who shall ensure that an adequate infection control plan is developed and all personnel are trained and supervised on the plan.

(6) The infection control officer shall be responsible for establishing personnel exposure protocols so that a process for dealing with exposures is in writing and available to all personnel.

(7) The infection control officer or his/her designee will function as a liaison between area hospitals and fire department members to provide notification that a communicable disease exposure is suspected or has been determined by hospital medical personnel. The department infection control officer will institute the established exposure protocols immediately after report of an exposure. The infection control officer shall follow the confidentiality requirements of chapter 246-100 WAC and the medical protocol requirements of WAC 296-62-05209.

(8) Fire departments shall have a written infection (exposure) control plan which clearly explains the intent, benefits, and purpose of the plan. The written document must cover the standards of exposure control such as establishing the infection control officer and all members affected; education and training; HB. vaccination requirements; documentation and record keeping; cleaning/disinfection of personnel and equipment; and exposure protocols.

(9) Policy statements and standard operating procedure guidelines shall provide general guidance and specific regulation of daily activities. Procedures shall include delegation of specific roles and responsibilities, such as regulation of infection control, as well as procedural guidelines for all required tasks and functions.

(10) Fire departments shall establish a records system for members health and training.

(11) Fire fighters shall be trained in the proper use of P.E., exposure protection, post exposure protocols, disease modes of transmission as it related to infectious diseases.

(12) Infectious disease programs shall have a process for monitoring fire fighters compliance with established guidelines and a means for correcting noncompliance.

(13) Fire department members shall be required to annually review the infectious disease plan, updates, protocols, and equipment used in the program.

(14) Fire departments shall comply with chapter 296-823 WAC, Occupational exposure to bloodborne pathogens, in its entirety.

(15) Tuberculosis (TB) exposure and respiratory protection requirements.

(a) Fire fighters shall wear a particulate respirator (PR) when entering areas occupied by individuals with suspected or confirmed TB, when performing high risk procedures on such individuals or when transporting individuals with suspected or confirmed TB in a closed vehicle.

(b) A NOSH-approved, 95% efficient particulate air respirator is the minimum acceptable level of respiratory protection.

(i) Fit tests are required.

(ii) Fit tests shall be done in accordance with chapter 296-62 WAC, Part E.

Note 1: Emergency-response personnel should be routinely screened for tuberculosis at regular intervals. The tuberculin skin test is the only method currently available that demonstrates infection with Mycobacterium tuberculosis (M. tuberculosis) in the absence of active tuberculosis.

Note 2: If possible, the rear windows of a vehicle transporting patients with confirmed, suspected, or active tuberculosis should be kept open, and the heater or air conditioner set on a noncirculating cycle.

Additional References:

Chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

WAC 296-62-08001(3), Exposure Control.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-305-02501, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040 and [49.17].050. 99-10-071, § 296-305-02501, filed 5/4/99, effective 9/1/99. Statutory Authority: RCW 49.17.-010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-02501, filed 5/10/96, effective 1/1/97.]

WAC 296-305-05503 Summary of training requirements. (1) Training on noise must conform to chapter 296-817 WAC, Hearing loss prevention (noise), and WAC 296-305-02005.

(2) Training on medical procedures shall conform to WAC 296-305-02501.

(3) Training on respiratory equipment shall conform to chapter 296-62 WAC, Part E, Respiratory protection, and WAC 296-305-04001.

(4) Training on employee right-to-know procedures shall conform to WAC 296-800-170, chemical hazard communication program.

(5) Training on overhaul procedures and operations shall conform to WAC 296-305-05001.

(6) Training on wildland fires shall conform to WAC 296-305-07001 through 296-305-07019.

(7) Training on confined space entry and/or rescue shall conform to chapter 296-62 WAC, Part M, Permit-required confined spaces and WAC 296-305-05003.

(8) Live fire training in structures shall conform to NFPA 1403 and this section.

(9) The employer shall provide training and education for all members commensurate with those duties and functions that members are expected to perform. Such training and education shall be provided to members before they perform emergency activities. Fire service leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire department.

(10) The employer shall assure that training and education is conducted frequently enough to assure that each member is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger members or other employees. All members shall be provided with training at least annually. In addition, members who are expected to perform interior structural fire fighting shall be provided with an education session or training at least quarterly.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-305-05503, filed 5/19/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-305-05503, filed 5/9/01, effective 9/1/01. Statutory Authority: RCW 49.17.010, [49.17].050 and [49.17].060. 96-11-067, § 296-305-05503, filed 5/10/96, effective 1/1/97.]

Chapter 296-307 WAC
SAFETY STANDARDS FOR AGRICULTURE

WAC

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296-307-03935 Inspect and activate your emergency washing facilities.
296-307-03940 Make sure supplemental flushing equipment provides sufficient water.
296-307-03945 Definitions.
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296-307-45025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.
296-307-45027 Repealed.
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296-307-45560 Make sure a heating system used for drying objects does not cause a fire.
296-307-45565 Make sure conveyor systems are safe.
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296-307-46005 Meet specific requirements if you use a hardening or tempering tank.

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296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.
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296-307-56010 Conduct complete hazard evaluations.
296-307-56015 Provide access to hazard evaluation procedures.
296-307-56020 Material safety data sheets.
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296-307-56040 Labeling.
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296-307-56050 Definitions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-307-14520 What are the department's recommendations for cholinesterase monitoring? (Nonmandatory) [97-09-013, recodified as § 296-307-14520, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-14520, filed 10/31/96, effective 12/1/96.] Repealed by 03-24-105, filed 12/3/03, effective 2/1/04. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

296-307-45001 What general requirements apply to hazardous materials and flammable and combustible liquids? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45001, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45001, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45001, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45003 What requirements apply to dip tanks containing flammable or combustible liquids? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45003, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45003, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45003, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45007 What requirements must ventilation systems meet? [97-09-013, recodified as § 296-307-45007, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45007, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45009 What general requirements apply to the construction of dip tanks? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45009, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45009, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45009, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45011 How must overflow pipes for dip tanks be constructed? [97-09-013, recodified as § 296-307-45011, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45011, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45013 How must the bottom drains of dip tanks be constructed? [97-09-013, recodified as § 296-307-45013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45013, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45017 What measures must an employer take to prevent hazards from electrical and other ignition sources? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45017, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45017, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45017, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45019 How must dip tanks be operated and maintained? [97-09-013, recodified as § 296-307-45019, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45019, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45021 What requirements must fire extinguishing systems meet? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45021, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45021, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45021, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45023 What requirements apply to hardening and tempering tanks? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45023, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45023, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45023, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45027 What requirements apply to electrostatic apparatus? [Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-45027, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-45027, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45027, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

296-307-45029 What requirements apply to roll coating applications? [97-09-013, recodified as § 296-307-45029, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45029, filed 10/31/96, effective 12/1/96.] Repealed by 03-10-068, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-307-445 through 296-307-465.

WAC 296-307-009 What definitions apply to this chapter? "Approved" means approved by the director of the department of labor and industries, or by another organization designated by the department. Also means listed or approved by a nationally recognized testing laboratory.

"Authorized person" means someone you have approved to perform specific duties or to be at a specific location on the job site.

"Biological agents" means organisms or their by-products.

"Chemical agents (airborne or contact)" means a chemical agent is any of the following:

• Airborne chemical agent which is any of the following:

– Dust - solid particles suspended in air, generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

– Fume - solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc., and often accompanied by a chemical reaction such as oxidation.

– Gas - a normally formless fluid that can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

– Mist - liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming or atomizing.

– Vapor - the gaseous form of a substance that is normally in the solid or liquid state.

• Contact chemical agent which is any of the following:

– Corrosives - substances that in contact with living tissue cause destruction of the tissue by chemical action.

– Irritants - substances that on immediate, prolonged, or repeated contact with normal living tissue will induce a local inflammatory reaction.

– Toxicants - substances that have the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

"Department" means the department of labor and industries. When this chapter refers to "we" or "us," it means labor and industries staff responsible for enforcing the Washington Industrial Safety and Health Act (WISHA).

"Director" means the director of the department of labor and industries, or a designated representative.

"Employee" means someone providing personal labor in the business of the employer, including anyone providing personal labor under an independent contract.

"Employer" means a business entity having one or more employees. Also, any person, partnership, or business entity with no employees but having industrial insurance coverage is both an employer and an employee. When this chapter refers to "you," it means the employer or a designated representative.

"Hazard" means a condition that can cause injury, death, or occupational disease.

"Listed" means listed by a nationally recognized testing laboratory.

"Must" means mandatory.

"Nationally recognized testing laboratory" See 29 CFR 1910.7 (federal OSHA requirements).

"Pesticide" means:

• Any substance intended to prevent, destroy, control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of plant or animal life or virus, except virus on or in a living person or other animal which is normally considered to be a pest or which the director may declare to be a pest;

• Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

• Any spray adjuvant, such as a wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent with or without toxic properties of its own, intended to be used with any pesticide as an aid to its application or effect, and sold in a package or container separate from that of the pesticide with which it is to be used.

"Safety factor" means the ratio of the ultimate breaking strength of a piece of material or equipment to the actual working stress or safe load when in use.

"Should" or **"may"** means recommended.

"Standard safeguard" means a device designed and constructed to remove a hazard related to the machine, appliance, tool, building, or equipment to which it is attached.

"Working day," for appeals and accident reporting, means a calendar day, except Saturdays, Sundays, and legal holidays as defined by RCW 1.16.050. To compute the time within which an act is to be completed, exclude the first working day and include the last.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-009, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-009, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-009, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-009, filed 10/31/96, effective 12/1/96.]

WAC 296-307-018 What are the employer's responsibilities?

You must:

(1) Provide a safe and healthful working environment.

(2) Ensure that employees do not use defective or unsafe tools and equipment, including tools and equipment that may be furnished by the employee.

(3) Implement a written accident prevention program as required by these standards.

(4) Implement a hazard communication program as required by WAC 296-307-550.

(5) Establish a system for reporting and recording accidents on the OSHA 200 log. (See chapter 296-27 WAC.)

(6) Provide safety education and training programs.

(7) Implement the requirements of WAC 296-62-074 through 296-62-07451 to ensure the safety of employees who are exposed to cadmium in the workplace.

(8) Implement the requirements of WAC 296-62-145 through 296-62-14529 to ensure the safety of employees who are exposed to confined spaces in the workplace.

(9) Control chemical agents.

You must:

• Control chemical agents in a manner that they will not present a hazard to your workers; or

• Protect workers from the hazard of contact with, or exposure to, chemical agents.

Reference: Pesticides are chemical agents and are covered by chapter 296-307 WAC Part I, Pesticides (worker protection standard). Pesticides may also be covered by chapter 296-62 WAC Part E, Respiratory protection.

(10) Protect employees from biological agents.

You must:

• Protect employees from exposure to hazardous concentrations of biological agents that may result from processing, handling or using materials or waste.

Note: Examples of biological agents include:
– Animals or animal waste
– Body fluids
– Biological agents in a medical research lab
– Mold or mildew.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-018, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-307-018, filed 8/8/01, effective 9/1/01. Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-018, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-018, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-018, filed 10/31/96, effective 12/1/96.]

WAC 296-307-03930 Make sure emergency washing facilities are functional and readily accessible.

You must:

• Provide an emergency shower:

– When there is potential for major portions of an employee's body to contact corrosives, strong irritants, or toxic chemicals

– That delivers water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.

• Provide an emergency eyewash:

– When there is potential for an employee's eyes to be exposed to corrosives, strong irritants, or toxic chemicals

– That irrigates and flushes both eyes simultaneously while the user holds their eyes open

– With an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off

– That delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

Note: Chemicals that require emergency washing facilities:
• You can determine whether chemicals in your workplace require emergency washing facilities by looking at the material safety data sheet (MSDS) or similar documents. The MSDS contains information about first-aid requirements and emergency flushing of skin or eyes
• For chemicals developed in the workplace, the following resources provide information about first-aid requirements:
– NIOSH Pocket Guide to Chemical Hazards
.*DHHS (NIOSH) Publication No. 97-140
.*http://www.cdc.gov/niosh/npg/ggdstart.html
– Threshold Limit Values for Chemical Substances and Physical Agents American Conference of Governmental Industrial Hygienists (ACGIH).

You must:

• Make sure emergency washing facilities:

– Are located so that it takes no more than ten seconds to reach

– Are kept free of obstacles blocking their use

– Function correctly

– Provide the quality and quantity of water that is satisfactory for emergency washing purposes.

Note: • If water in emergency washing facilities is allowed to freeze, they will not function correctly. Precautions need to be taken to prevent this from happening
• The travel distance to an emergency washing facility should be no more than fifty feet (15.25 meters)
• For further information on the design, installation, and maintenance of emergency washing facilities, see American National Standards Institute (ANSI) publication Z358.1 - 1998, *Emergency Eyewash and Shower Equipment*. Emergency washing facilities that are designed to meet ANSI Z358.1 - 1998 also meet the requirements of this standard. The ANSI standard can be obtained from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

Reference: • Training in the location and use of your emergency washing facilities is required under the employer chemical hazard communication rule, WAC 296-307-550, and the accident prevention program rule, WAC 296-307-030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-03930, filed 5/6/03, effective 8/1/03.]

WAC 296-307-03935 Inspect and activate your emergency washing facilities.

You must:

• Make sure all plumbed emergency washing facilities are inspected once a year to make sure they function correctly.

Note: Inspections should include:
• Examination of the piping
• Making sure that water is available at the appropriate temperature and quality
• Activation to check that the valves and other hardware work properly
• Checking the water flow rate.

You must:

• Make sure plumbed emergency eyewashes and handheld drench hoses are activated weekly to check the proper functioning of the valves, hardware, and availability of water

• Make sure all self-contained eyewash equipment and personal eyewash units are inspected and maintained according to manufacturer instructions.

– Inspections to check proper operation must be done once a year

– Sealed personal eyewashes must be replaced after the manufacturer's expiration date.

Note: Most manufacturers recommend replacing fluid in open self-contained eyewashes every six months. The period for sealed containers is typically two years.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-03935, filed 5/6/03, effective 8/1/03.]

WAC 296-307-03940 Make sure supplemental flushing equipment provides sufficient water.

Note: Supplemental flushing equipment cannot be used in place of required emergency showers or eyewashes.

You must:

• Make sure hand-held drench hoses deliver at least 3.0 gallons (11.4 liters) of water per minute for fifteen minutes or more.

Note: Why use a drench hose? A drench hose is useful when:
• The spill is small and does not require an emergency shower
• Used with a shower for local rinsing, particularly on the lower extremities.

You must:

• Make sure personal eyewash equipment delivers only clean water or other medically approved eye flushing solutions.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-.060. 03-10-068, § 296-307-03940, filed 5/6/03, effective 8/1/03.]

WAC 296-307-03945 Definitions.

Corrosive

As used in first aid, WAC 296-307-039, is a substance that causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Strong irritant

As used in first aid, WAC 296-307-039, is a chemical that is not corrosive, but causes a strong, temporary inflammatory effect on living tissue by chemical action at the site of contact.

Toxic chemical

As used in first aid, WAC 296-307-039, is a chemical that produces serious injury or illness when absorbed through any body surface.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-03945, filed 5/6/03, effective 8/1/03.]

WAC 296-307-14520 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-148 Scope and summary.

Your responsibility:

To implement a monitoring program for your employees who, as part of their job duties, **handle** category I or II organophosphate or N-methyl-carbamate pesticides with the words "DANGER" or "WARNING" on the label.

Definition:

The terms **handle** and **handler** refer to employees who are engaged in the job duties listed in the definition of "handler" contained in WAC 296-307-11005, Pesticides (worker protection standard).

IMPORTANT:

Whenever there is reason to believe that an employee has been poisoned or injured by exposure to pesticides while on the job, you need to provide the medical services required by WAC 296-307-13055.

You must:

Maintain handling records for covered pesticides
WAC 296-307-14805.

Implement a medical monitoring program
WAC 296-307-14810.

Identify a physician or licensed health care professional
WAC 296-307-14815.

Make cholinesterase testing available
WAC 296-307-14820.

Respond to depressed cholinesterase levels
WAC 296-307-14825.

Provide medical removal protection benefits
WAC 296-307-14830.

Maintain records
WAC 296-307-14835.

Provide training
WAC 296-307-14840.

Implementation plan
WAC 296-307-14845.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-148, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14805 Maintain handling records for covered pesticides.

You must:

• Maintain accurate records of all time that each employee spends handling category I or II organophosphate or N-methyl-carbamate pesticides (this includes employees who do not meet the handling hour thresholds in Table 1).

• Retain pesticide handling records for seven years.

• Make sure that pesticide-handling records are readily accessible to employees, their designated representatives, and treating health care professionals.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14805, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14810 Implement a medical monitoring program.

You must:

• Implement a medical monitoring program for your employees who handle or will be expected to handle category I or II organophosphate or N-methyl-carbamate pesticides according to the schedule in Table 1.

Table 1
Implementation Schedule

Provide medical monitoring for each employee who handles organophosphate or N-methyl-carbamate pesticides for:	Beginning
Fifty or more hours in any consecutive thirty-day period	February 1, 2004
Thirty or more hours in any consecutive thirty-day period	February 1, 2005

Note:
• The department will adjust the threshold for medical monitoring of employees under this rule on February 1, 2005, if the data collected during 2004 clearly demonstrates that the threshold should be either lower or higher than thirty hours.
• There is nothing in this rule that prohibits employers from providing cholinesterase monitoring to employees who handle organophosphate or N-methyl-carbamate pesticides for fewer hours than specified in Table 1.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14810, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14815 Identify a physician or licensed health care professional.

You must:

• Identify a physician or other licensed health care professional (LHCP) who will:

– Provide baseline and periodic cholinesterase testing through the department of health public health laboratory, or beginning in 2006, through any laboratory approved by the department of labor and industries.

– Interpret tests.

– Provide you with written recommendations and opinions that:

?Identify employees with periodic test results requiring a work practice evaluation.

?Identify employees with periodic test results indicating they must be removed from handling and other exposure to organophosphate and N-methyl-carbamate pesticides.

?Provide guidance on medical monitoring.

? Include any other relevant information concerning an employee's workplace exposure to organophosphate and N-methyl-carbamate pesticides.

• Instruct the physician or other licensed health care professional (LHCP) to **NOT** reveal in writing or in any other communication with you, personally identifiable medical information, other than laboratory test results, for any employee.

• Make sure the physician or LHCP is familiar with the requirements of this rule (for example, by providing a copy of the rule or by confirming that the provider has attended training on the rule).

• Post the name, address, and telephone number of the medical provider you have identified at the locations where employees usually start their work day.

• Make sure copies of employee test results and written recommendations from the physician or LHCP are maintained for seven years.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14815, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14820 Make cholinesterase testing available.

You must:

• Make medical monitoring available to employees who will meet the exposure thresholds in Table 1, at no cost and at a reasonable time and place, as follows:

– Provide annual baseline red blood cell (RBC) and plasma cholinesterase tests that are taken at least thirty days after the employee last handled organophosphate or N-methyl-carbamate pesticides.

– Provide periodic RBC and plasma cholinesterase testing:

?Within three days after the end of each thirty-day period where the employee meets the handling levels in Table 1; however, testing is not required more often than every thirty days;

OR

?At least every thirty days for those employees who may meet the handling levels in Table 1.

• Arrange to obtain a "working baseline" as soon as possible for employees who initially decline cholinesterase testing and later choose to participate in testing.

– Follow the recommendations of the physician or LHCP regarding continued employee pesticide handling or removal from handling until a thirty-day exposure free baseline can be established.

Exemption: You do not need to provide baseline or periodic testing for those employees whose work exposure is limited to handling only N-methyl-carbamate pesticides.

Note:
• You do not need to count time spent mixing and loading using closed systems (as defined in WAC 296-307-13045 (4)(d)) in determining the need for periodic testing. Time using closed systems is still counted for purposes of establishing coverage under this rule and determining the need for obtaining baseline cholinesterase levels.
• For new employees, the medical provider may accept previous baselines, if they are obtained according to this rule.
• The first thirty consecutive day period begins on the first day of handling organophosphate or N-methyl-carbamate pesticides after obtaining the baseline cholinesterase test.

You must:

• Obtain a signed declination statement from the physician or LHCP for employees who decline cholinesterase testing.

– Employees may decline cholinesterase testing only after they receive training about cholinesterase inhibiting pesticides and discuss the risks and benefits of participation with the physician or LHCP.

– An employee may change his or her mind and elect to participate or decline to continue participation in the program at any time.

• Make sure the employee receives a copy of the signed declination statement.

Note: If employers discourage participation in cholinesterase monitoring, or in any way interfere with an employee's decision to continue with this program, this interference may represent unlawful discrimination under RCW 49.17.160, Discrimination against employee filing, instituting proceedings, or testifying prohibited—Procedure—Remedy.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14820, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14825 Respond to depressed cholinesterase levels.

You must:

• Respond to an employee's depressed cholinesterase levels by:

– Taking the actions required in Table 2;

AND

– Following any additional occupational health recommendations from the physician or LHCP.

Table 2
Required Responses to an Employee's Depressed Cholinesterase Levels

When:	Action to be taken:	Methods:
An employee's RBC or plasma cholinesterase levels fall more than twenty percent below the baseline	Evaluate the employee's work practices to identify and correct potential sources of pesticide exposure	Review: • Personal protective equipment (PPE) and its condition • Employees' PPE usage

When:	Action to be taken:	Methods:
		• General sanitation practices and availability of decontamination facilities required by WAC 296-307-13050 • Pesticide handling practices
An employee's RBC cholinesterase level falls thirty percent or more from the baseline **OR** An employee's plasma cholinesterase level falls forty percent or more from the baseline	Remove the employee from handling and other work exposures to organophosphate and N-methyl-carbamate pesticides such as thinning and harvesting in recently treated areas **AND** Evaluate the employee's work practices to identify and correct potential sources of pesticide exposure	• When available, provide the employee with other duties that do not include handling and other work exposures to organophosphate and N-methyl-carbamate pesticides • Provide medical monitoring and cholinesterase testing as recommended by the physician or LHCP
A removed employee's cholinesterase levels return to twenty percent or less below baseline	The employee may return to handling class I and II organophosphate and N-methyl-carbamate pesticides	Continue periodic cholinesterase monitoring

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14825, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14830 Provide medical removal protection benefits.

You must:

• Provide medical removal protection benefits for a maximum of three months on each occasion:

– An employee is temporarily removed from work due to depressed cholinesterase levels;

OR

– Assigned to other duties due to depressed cholinesterase levels.

• Provide medical removal protection benefits that include maintenance of the same pay, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to organophosphate or N-methyl-carbamate pesticides or otherwise limited.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14830, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14835 Maintain records.

You must:

• Make sure that the following records are maintained:

– The name, address, and telephone number of the physician or LHCP.

– Written recommendations and opinions received from the physician or LHCP.

– Findings of all work practice investigations.

– Dates when employees were medically removed from their duties and dates when employees are returned to duties that include handling organophosphate or N-methyl-carbamate pesticides.

– Signed declination statements.

• Maintain records for seven years.

• Make sure that all records are readily accessible to the employee and his or her designated representative.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14835, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14840 Provide training.

You must:

• Make sure employees have received training before initial medical monitoring. The training must include at least the following:

– The human health hazards and physical symptoms of overexposure to organophosphate and N-methyl-carbamate cholinesterase-inhibiting pesticides.

– The purpose and requirements for medical monitoring.

Note: Training required by this rule may be combined with other pesticide handler training as required by WAC 296-307-13025, Pesticide safety training—Standards for pesticide handlers.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-24-105, § 296-307-14840, filed 12/3/03, effective 2/1/04.]

WAC 296-307-14845 Implementation plan. The department will implement and complete an evaluation of this rule by doing the following:

• Organize a scientific team to oversee collection and analysis of data collected during 2004 and 2005. L&I will select representatives of the University of Washington, Washington State University, as well as other interested members of the academic and scientific communities, to participate on the team. The team will provide an initial analysis of testing data and any appropriate recommendations directly to L&I and to the cholinesterase monitoring advisory committee by November 1, 2004, and a further analysis and any appropriate recommendations by November 1, 2005. A final report and recommendations will be completed by September 30, 2006.

• Establish a cholinesterase stakeholder advisory committee to evaluate issues related to rule implementation and provide recommendations to the department regarding implementation of the rule and any possible modifications to it. L&I will invite representatives of growers, labor and other affected state agencies to participate on the advisory committee. The committee will have an opportunity to comment on the analysis completed by the scientific team and to make any appropriate recommendations before December 1, 2004, and again before December 1, 2005. In addition, the committee will review the scientific committee's final report and recommendations and provide advice to L&I prior to December 1, 2006.

• Review reports from the scientific team and stakeholder advisory committee, and other relevant information and make modifications to the rule as appropriate.

• Make efforts to defray the costs of medical testing during 2004.

• Prepare and distribute provider guidelines.

• Develop and make available a model employee training program.

• Publish a list of trained providers and certified laboratories on the internet.

• Coordinate recordkeeping requirements with the department of agriculture.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-24-105, § 296-307-14845, filed 12/3/03, effective 2/1/04.]

WAC 296-307-40013 What requirements apply to the construction, original test, and requalification of nonrefrigerated containers? The code is the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers (Section VIII of the ASME Boiler Construction Code), 1952, 1956, 1959, 1962, 1965, 1968 and 1971 editions, the joint code of the American Petroleum Institute and the American Society of Mechanical Engineers (API-ASME Code) 1951 edition, and amendments or later editions, as adopted.

(1) Containers used with systems covered in WAC 296-307-40005 and 296-307-40007 must be constructed and tested according to the code.

Exception: Construction under Table UW-12 at a basic joint efficiency of under 80% is prohibited. Containers built according to code are exempt from paragraphs UG-125 to UG-128, inclusive, and paragraphs UG-132 and UG-133 of the code.

Note: This subsection allows the continued use or reinstallation of containers constructed and maintained according to the 1949, 1950, 1952, 1956, 1959, 1962, 1965 and 1968 editions of the Unfired Pressure Vessel Code of the ASME or any revisions thereof in effect at the time of fabrication.

(2) Containers more than 36 inches in diameter or 250 gallons water capacity must be constructed to meet one or more of the following requirements:

(a) Containers must be stress relieved after fabrication according to the code; or

(b) Cold-formed heads, when used, must be stress relieved; or

(c) Hot-formed heads must be used.

(3) Welding to the shell, head, or any other part of the container subject to internal pressure must be according to the code. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

Containers used with systems covered in subsection (4) of this section must be constructed and tested in accordance with the DOT specifications.

(4) Containers must comply with department of transportation specifications and must be maintained, filed, packaged, marked, labeled and shipped to comply with current DOT regulations and American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1-1954 R1970. See Appendix C for availability.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-40013, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-40013, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-40013, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-40013, filed 10/31/96, effective 12/1/96.]

WAC 296-307-40015 How must nonrefrigerated containers and systems (other than DOT containers) be marked? (1) System nameplates, when required, must be permanently attached to the system so they are readily accessible for inspection.

(2) Each container or system covered in WAC 296-307-40005 and 296-307-40007 must be marked as follows:

(a) With indication that the container or system meets the requirements of the code under which the container is constructed.

(b) With indication on the container and system nameplate when the system is designed for underground installation.

(c) With the name and address of the supplier of the container or the trade name of the container and with the date of fabrication.

(d) With the water capacity of the container in pounds at 60°F or gallons, United States standard.

(e) With the design pressure in pounds per square inch gauge.

(f) With the wall thickness of the shell and heads.

(g) With indication of the maximum fill level for liquid anhydrous ammonia between 20°F and 100°F. Markings must be in increments of not more than 20°F.

Exception: Containers with fixed maximum level indicators, such as fixed length dip tubes, or containers that are filled by weight are exempt from this requirement.

(h) With the outside surface area in square feet.

(i) With minimum temperature in Fahrenheit for which the container is designed.

(j) The marking must be on the container itself or on a permanently attached nameplate.

(3) All main operating valves on permanently installed containers with a capacity of over 3,000 water gallons must be identified to show whether the valve is in liquid or vapor service. The valve must be identified as follows:

(a) The word LIQUID (or LIQUID VALVE), VAPOR (or VAPOR VALVE), as appropriate, must be placed on or within twelve inches of the valve by means of a stencil tag or decal.

(b) Liquid valves must be painted orange and vapor valves must be painted yellow. The legend ORANGE-LIQUID, YELLOW-VAPOR must be displayed in one or more conspicuous places at each permanent storage location. The legend must have letters at least two inches high and must be placed against a contrasting background.

(4) "Marking refrigerated containers." Each refrigerated container must be marked with a name plate on the outer covering in an accessible place as specified in the following:

• With the notation, "Anhydrous Ammonia"

• With the name and address of the builder and the date of fabrication

• With the water capacity of the container in gallons, U.S. Standard

• With the design pressure

• With the minimum temperature in degrees Fahrenheit for which the container was designed

• The maximum allowable water level to which the container may be filled for test purposes

• With the density of the product in pounds per cubic foot for which the container was designed

• With the maximum level to which the container may be filled with liquid anhydrous ammonia.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-40015, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.040. 98-24-096, § 296-307-40015, filed 12/1/98, effective 3/1/99. 97-09-013, recodified as § 296-307-40015, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-40015, filed 10/31/96, effective 12/1/96.]

WAC 296-307-40027 What emergency precautions are required when handling anhydrous ammonia? (1) You must train employees required to handle ammonia in the safe operating practices and the proper action to take in an emergency. Employees must be instructed to use the equipment listed in subsection (3) of this section in an emergency.

(2) If ammonia system leaks, the employees trained for and designated to act in emergencies must:

(a) See that anyone not required to deal with an emergency is evacuated from the contaminated area.

(b) Have two suitable gas masks in readily accessible locations. Full face masks with ammonia canisters as certified by NIOSH under 42 CFR Part 84, are suitable for emergency action for most leaks, particularly those that occur outdoors. For protection in concentrated ammonia atmospheres, self-contained breathing apparatus is required.

(c) Wear gauntlet type plastic or rubber gloves and wear plastic or rubber suits in heavily contaminated atmospheres.

(d) Shut off the appropriate valves.

(3) All storage systems must have on hand at least the following equipment for emergency and rescue purposes:

(a) *One full face gas mask with anhydrous ammonia refill canisters.

(b) **One pair of protective gloves.

(c) **One pair of protective boots.

(d) **One protective slicker and/or protective pants and jacket.

(e) Easily accessible shower and/or at least 50 gallons of clean water in an open top container.

(f) Tight-fitting vented goggles or one full face shield.

*If ammonia vapors are detected when the mask is applied, leave the area immediately. The life of a canister in service is controlled by the percentage of vapors to which it is exposed. Canisters must not be opened until ready for use and should be discarded after use or as recommended by the canister manufacturer. Unopened canisters may be guaranteed for as long as three years and all should be dated when received. In addition, an independently supplied air mask of the type used by fire departments may be used for emergencies.

**Gloves, boots, slickers, jackets, and pants must be made of rubber or other material impervious to ammonia.

(4) Where several persons are usually present, additional safety equipment may be necessary.

(5) Each tank motor vehicle transporting anhydrous ammonia, except farm applicator vehicles, must carry a container of at least five gallons of water and must have a full face gas mask, a pair of tight-fitting goggles or one full face shield. The driver must be instructed in their use and the proper action to take to provide for the driver's safety.

(6) If a leak occurs in transportation equipment and it is impractical to stop the leak, the driver should move the vehicle to an isolated location.

(7) If liquid ammonia contacts the skin or eyes, the affected area should be promptly and thoroughly flushed with water. Do not use neutralizing solutions or ointments on affected areas. A physician must treat all cases of eye exposure to liquid ammonia.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-40027, filed 5/6/03, effective 8/1/03; 97-09-013, recodified as § 296-307-40027, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-40027, filed 10/31/96, effective 12/1/96.]

WAC 296-307-445 Scope.

IMPORTANT:

A **dip tank** is a container holding a liquid other than plain water that is used for dipping or coating. An object may be completely or partially immersed (in a dip tank) or it may be suspended in a vapor coming from the tank.

Exemption: Dip tanks that use a molten material (molten metal, alloy, salt, etc.) are not covered by this chapter.

This chapter **applies** to:

• A dip tank that uses a liquid other than plain water, or the vapor of the liquid, to:

– Clean an object
– Coat an object
– Alter the surface of an object

OR

– Change the character of an object.

• Draining or drying an object that has been dipped or coated.

Examples of covered dipping and coating operations include, but are not limited to:

– Paint dipping
– Anodizing
– Pickling
– Quenching
– Tanning
– Degreasing
– Stripping
– Cleaning
– Dyeing.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See personal protective equipment (PPE), WAC 296-307-100 through 296-307-10025.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-445, filed 5/6/03, effective 8/1/03.]

WAC 296-307-450 General requirements.

Summary.

Your responsibility:

Safeguard employees working with dip tanks.

You must:

CONSTRUCTION

Construct safe dip tanks

WAC 296-307-45005

VENTILATION

Provide proper ventilation for the vapor area

WAC 296-307-45010

Take additional precautions if you recirculate ventilation system exhaust air into the workplace

WAC 296-307-45015

Take additional precautions when using an exhaust hood

WAC 296-307-45020

INSPECTION

Periodically inspect your dip tanks and associated equipment and correct any deficiencies

WAC 296-307-45025

FIRST AID

Make sure employees working near dip tanks know appropriate first-aid procedures

WAC 296-307-45030

CLEANING

Prepare dip tanks before cleaning

WAC 296-307-45035

WELDING

Protect employees during welding, burning or other work using open flames

WAC 296-307-45045

LIQUIDS HARMFUL TO SKIN

Provide additional protection for employees working near dip tanks that use liquid that may burn, irritate, or otherwise harm the skin

WAC 296-307-45050.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-.060. 03-10-068, § 296-307-450, filed 5/6/03, effective 8/1/03; 97-09-013, recodified as § 296-307-450, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-450, filed 10/31/96, effective 12/1/96.]

WAC 296-307-45001 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45003 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45005 Construct safe dip tanks.

You must:

• Make sure dip tanks, including any drain boards, are strong enough to support the expected load.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45005, filed 5/6/03, effective 8/1/03; 97-09-013, recodified as § 296-307-45005, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45005, filed 10/31/96, effective 12/1/96.]

WAC 296-307-45007 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45009 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45010 Provide proper ventilation for the vapor area.

You must:

• Make sure mechanical ventilation meets the requirements of one or more of the following standards:

– NFPA 34-1995, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids

– ACGIH's "Industrial Ventilation: A Manual of Recommended Practice" (22nd ed., 1995)

– ANSI Z9.1-1971, Practices for Ventilation and Operation of Open-Surface Tanks and ANSI Z9.2-1979, Fundamentals Governing the Design and Operation of Local Exhaust Systems.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

You must:

• Limit the vapor area to the smallest practical space by using mechanical ventilation

• Keep airborne concentration of any substance below twenty-five percent of its lower flammable limit (LFL)

• Make sure mechanical ventilation draws the flow of air into a hood or exhaust duct

• Have a separate exhaust system for each dip tank if the combination of substances being removed could cause a:

– Fire

– Explosion

OR

– Potentially hazardous chemical reaction.

Reference: You need to keep employee exposure within safe levels when the liquid in a dip tank creates an exposure hazard. See Air contaminants, WAC 296-62-075 through 296-62-07515.

Note: You may use a tank cover or material that floats on the surface of the liquid to replace or assist ventilation. The method or combination of methods you choose has to maintain the airborne concentration of the hazardous material and the employee's exposure within safe limits.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45010, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45011 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45013 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45015 Take additional precautions if you recirculate ventilation system exhaust air into the workplace.

You must:

• Only recirculate air that contains no substance at a concentration that could pose a health or safety hazard to employees

• Make sure any exhaust system that recirculates air into the workplace:

– Passes the air through a device that removes contaminants

– Sounds an alarm and automatically shuts down the dip tank operation, if the vapor concentration of any substance in the exhaust air exceeds twenty-five percent of its LFL

– Monitors the concentration of vapor from flammable or combustible liquids with approved equipment.

Note: • The LFL concentration in the air must be determined after the air passes through the air-cleaning device and before the air reenters the workspace
• Most substances will pose a health hazard at a concentration far below twenty-five percent of its LFL.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45015, filed 5/6/03, effective 8/1/03; 97-09-013, recodified as § 296-307-45015, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45015, filed 10/31/96, effective 12/1/96.]

WAC 296-307-45017 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45019 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45020 Take additional precautions when using an exhaust hood.

You must:

• Make sure each room with an exhaust hood has a source of outside air that:

– Enters the room in a way that will not interfere with the function of the hood

– Replaces at least ninety percent of the air taken in through the hood.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45020, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45021 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45023 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45025 Periodically inspect your dip tanks and associated equipment and correct any deficiencies.

You must:

• Inspect or test your dip tanks and associated equipment periodically, including:

– Covers

– Overflow pipes

– Bottom drains and valves

– Electrical wiring, equipment, and grounding connections

– Ventilating systems

– Fire extinguishing equipment.

• Inspect the hoods and ductwork of the ventilation system for corrosion and damage and make sure the airflow is adequate:

– At least quarterly during operation

– Prior to operation after a prolonged shutdown.

• Promptly fix any deficiencies found.

Note: • To assist you in tracking your inspections and actions taken from those inspections, you may want to keep a written record

• It is recommended that inspections be at least quarterly even if the system is not operating. Depending on the chemicals in use more frequent inspection may be required.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45025, filed 5/6/03, effective 8/1/03; 97-09-013, recodified as § 296-307-45025, filed 4/7/97, effective 4/7/97. Statutory Authority: RCW 49.17.040, [49.17.]050 and [49.17.]060. 96-22-048, § 296-306A-45025, filed 10/31/96, effective 12/1/96.]

WAC 296-307-45027 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45029 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-307-45030 Make sure employees working near dip tanks know appropriate first-aid procedures.

You must:

• Make sure your employees know the appropriate first-aid procedures for the hazards of your dipping and coating operations.

Note: • First-aid procedures are contained in the material safety data sheet (MSDS) for the chemicals used in the dip tank

• First-aid supplies appropriate for the hazards of the dipping or coating operation need to be located near the dip tank to be considered "readily available" as required by WAC 296-307-03920.

Reference: There are additional requirements that may include providing emergency washing facilities and employee training. See first aid, WAC 296-307-039, and employer chemical hazard communication, WAC 296-307-550.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45030, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45035 Prepare dip tanks before cleaning. You must:

(1) Drain the contents of the tank and open any cleanout doors.

(2) Ventilate the tank to clear any accumulated hazardous vapors.

Reference: There may be requirements that apply before an employee enters a dip tank. See Permit-required confined spaces, WAC 296-62-141 and safety procedures, WAC 296-307-320.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45035, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45045 Protect employees during welding, burning, or other work using open flames.

You must:

• Make sure the dip tank and the area around it are thoroughly cleaned of solvents and vapors before performing work involving:

– Welding

– Burning

OR

– Open flames.

Reference: There are additional requirements for this type of work. See Welding, cutting and brazing, WAC 296-307-475, and Respiratory protection, chapter 296-62 WAC, Part E.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45045, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45050 Protect employees that use liquids that may burn, irritate, or otherwise harm the skin.

You must:

(1) Make sure washing facilities, including hot water, are available for every ten employees that work with dip tank liquids.

(2) Satisfy medical requirements:

• Make sure an employee with any small skin abrasion, cut, rash, or open sore receives treatment by a properly designated person

• Make sure an employee with a sore, burn, or other skin lesion that needs medical treatment, has a physician's approval before they perform their regular work

• Make sure employees who work with chromic acid receive periodic examinations of their exposed body parts, especially their nostrils.

Note: • Periodic means on a yearly basis unless otherwise indicated
• Any time chromic acid spills onto an employee's skin or their clothing is saturated, a physician should be responsible for evaluating and monitoring the area where chromic acid made contact with the skin.

You must:

(3) Provide lockers or other storage space to prevent contamination of street clothes.

Reference: You have to do a hazard assessment to identify hazards or potential hazards in your workplace and determine if PPE is necessary to protect your employees. See Personal protective equipment (PPE), WAC 296-307-100.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-45050, filed 5/6/03, effective 8/1/03.]

WAC 296-307-455 Additional requirements for dip tanks using flammable or combustible liquids.

Summary.

IMPORTANT:

This section applies to:

• Flammable and combustible liquids (flashpoint below 200°F)

• Liquids that have a flashpoint of 200°F (93.3°C) or higher if you:

– Heat the liquid

– Dip a heated object in the tank

Your responsibility:

Safeguard employees working with dip tanks containing flammable or combustible liquids

You must:

CONSTRUCTION

Include additional safeguards when constructing dip tanks

WAC 296-307-45505

Provide overflow pipes

WAC 296-307-45510

Provide bottom drains

WAC 296-307-45515

FIRE PROTECTION

Provide fire protection in the vapor area

WAC 296-307-45520

Provide additional fire protection for large dip tanks

WAC 296-307-45525

ELECTRICAL WIRING AND EQUIPMENT AND SOURCES OF IGNITION

Prevent static electricity sparks or arcs when adding liquids to a dip tank

WAC 296-307-45535

Control ignition sources

WAC 296-307-45540

Provide safe wiring and electrical equipment where the liquid can drip or splash

WAC 296-307-45545

HOUSEKEEPING

Keep the area around dip tanks clear of combustible material and properly dispose of waste

WAC 296-307-45550

HEATING LIQUID

Make sure heating the liquid in your dip tanks does not cause a fire

WAC 296-307-45555

HEAT DRYING

Make sure a heating system used for drying objects does not cause a fire

WAC 296-307-45560

CONVEYORS

Make sure the conveyor system for dip tanks is safe

WAC 296-307-45565

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-455, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45505 Include additional safeguards when constructing dip tanks.

You must:

(1) Make sure the dip tank, drain boards (if provided), and supports are made of noncombustible material.

(2) Make sure piping connections on drains and overflow pipes allow easy access to the inside of the pipe for inspection and cleaning.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-45505, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45510 Provide overflow pipes.

You must:

• Provide an overflow pipe on dip tanks that:

– Hold more than one hundred fifty gallons of liquid

OR

– Have more than ten square feet of liquid surface area.

• Make sure the overflow pipe is:

– Properly trapped

– Able to prevent the dip tank from overflowing

– Three inches or more (7.6 cm) in diameter

– Discharged to a safe location.

Note: Discharged to a safe location could be a:
• Safe location outside the building
OR
• Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

• Make sure the bottom of the overflow pipe is at least six inches (15.2 cm) below the top of the tank.

Note: The overflow pipe should be large enough to remove water applied to the liquid surface of the dip tank from automatic sprinklers or other sources in the event of fire. Smaller dip tanks should be equipped with overflow pipes, if practical.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-45510, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45515 Provide bottom drains.

Exemption: A bottom drain is not required if:
– The viscosity of the liquid makes it impractical to empty the tank by gravity or pumping
OR
– The dip tank has an automatic closing cover that meets the requirements of WAC 296-307-45530.

You must:

• Provide a bottom drain on all dip tanks that hold more than five hundred gallons of liquid

• Make sure the bottom drain:

– Is properly trapped

– Will empty the dip tank during a fire

– Has pipes large enough to empty the tank within five minutes

– Uses automatic pumps if gravity draining is not practical

– Is capable of both manual and automatic operation

– Discharges to a safe location.

Note: Discharges to a safe location could be a:
• Safe location outside the building
OR
• Closed, properly vented salvage tank or tanks that can hold more than the dip tank.

You must:

• Make sure manual operation of the bottom drain is performed from a safe and easily accessible location.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45515, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45520 Provide fire protection in the vapor area.

You must:

• Provide a manual fire extinguisher near the tank that is suitable for putting out flammable and combustible liquid fires.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45520, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45525 Provide additional fire protection for large dip tanks.

You must:

• Provide at least one automatic fire extinguishing system or an automatic dip tank cover if the tank:

– Holds one hundred fifty gallons or more of liquid

OR

– Has four square feet or more of liquid surface area.

• Make sure automatic fire extinguishing systems or automatic dip tank covers meet the requirements of Table 1.

Exemption: An automatic fire extinguishing system or an automatic dip tank cover is **not** required for a hardening or tempering tank that:
• Holds less than five hundred gallons
OR
• Has less than twenty-five square feet of liquid surface area.

Table 1: Automatic Fire Protection System Requirements

If you provide:	Then you must:
An automatic fire extinguishing system	• Use extinguishing materials suitable for a fire fueled by the liquid in the tank • Make sure the system protects the: – Tanks – Drain boards – Stock over drain boards.
A dip tank cover	• Make sure the cover is: – Closed by approved automatic devices in the event of fire – Able to be manually activated – Kept closed when the tank is not being used – Made of noncombustible material or metal-clad material with locked metal joints.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45525, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45535 Prevent static electricity sparks or arcs when adding liquids to a dip tank.

You must:

• Make sure any portable container used to add liquid to the tank is:

– Electrically bonded to the dip tank

– Positively grounded.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-.060. 03-10-068, § 296-307-45535, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45540 Control ignition sources.

You must:

(1) Make sure the vapor areas and adjacent areas do not have any:

• Open flames

• Spark producing devices

• Heated surfaces hot enough to ignite vapors.

(2) Use explosion-proof wiring and equipment in the vapor area.

Reference: Electrical wiring and equipment has to meet the requirements of the applicable hazardous (classified) location. See Hazardous (classified) locations, WAC 296-307-37209.

You must:

(3) Prohibit smoking in any vapor area:

• Post an easily seen "NO SMOKING" sign near each dip tank.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45540, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45545 Provide safe electrical wiring and equipment where the liquid can drip or splash.

You must:

• Make sure all electrical wiring and equipment in the vapor area is approved for areas that have:

– Deposits of easily ignited residue

– Explosive vapor.

Exemption: This does not apply to wiring that is:
– In rigid conduit, threaded boxes or fittings
– Has no taps, splices, or terminal connections.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45545, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45550 Keep the area around dip tanks clear of combustible material and properly dispose of waste.

You must:

(1) Make sure the area surrounding dip tanks is:

– Completely free of combustible debris

– As free of combustible stock as possible.

(2) Provide approved metal waste cans that are:

– Used for immediate disposal of rags and other material contaminated with liquids from dipping or coating operations

– Emptied and the contents properly disposed of at the end of each shift.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45550, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45555 Make sure heating the liquid in your dip tanks does not cause a fire.

You must:

• Keep the temperature of the liquid in the dip tank:

– Below the liquid's boiling point

– At least 100°F below the liquid's autoignition temperature.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45555, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45560 Make sure a heating system used for drying objects does not cause a fire.

You must:

• Make sure the heating system used in a drying operation that could cause ignition:

– Has adequate mechanical ventilation that operates before and during the drying operation

– Shuts down automatically if a ventilating fan fails to maintain adequate ventilation

– Is installed as required by NFPA 86-1999, Standard for Ovens and Furnaces.

Note: Some, or all, of the consensus standards (such as ANSI and NFPA) may have been revised. If you comply with a later version of a consensus standard, you will be considered to have complied with any previous version of the same consensus standard.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45560, filed 5/6/03, effective 8/1/03.]

WAC 296-307-45565 Make sure conveyor systems are safe.

You must:

• Make sure the conveyor system shuts down automatically if:

– The ventilation system fails to maintain adequate ventilation

OR

– There is a fire.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-45565, filed 5/6/03, effective 8/1/03.]

WAC 296-307-460 Additional requirements for dip tanks used for specific processes.

Summary.

Your responsibility:

Safeguard employees working with dip tanks used for specific processes

You must:

HARDENING OR TEMPERING

Meet specific requirements if you use a hardening or tempering tank

WAC 296-307-46005

VAPOR DEGREASING

Provide additional safeguards for vapor degreasing tanks

WAC 296-307-46025

SPRAY CLEANING OR DEGREASING

Control liquid spray over an open surface cleaning or degreasing tank

WAC 296-307-46030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-460, filed 5/6/03, effective 8/1/03.]

WAC 296-307-46005 Meet specific requirements if you use a hardening or tempering tank.

You must:

(1) Provide an automatic fire extinguishing system or an automatic dip tank cover for any hardening and tempering tank that uses flammable or combustible liquids and:

– Holds five hundred gallons (1893 L) or more of liquid

OR

– Has twenty-five square feet (2.37 m^2) or more of liquid surface area.

(2) Prevent fires.

• Make sure hardening and tempering tanks are:

– **Not** located on or near combustible flooring

– Located as far away as practical from furnaces

– Equipped with noncombustible hoods and vents (or equally effective devices) for venting to the outside.

• Treat vent ducts as flues and keep them away from combustible material, particularly roofs.

(3) Make sure air under pressure is not used to:

• Fill the tank

OR

• Agitate the liquid in the tank.

(4) Equip each tank with an alarm that will sound when the temperature is within 50°F (10°C) of the liquid's flashpoint (alarm set point).

(5) Make sure a limit switch shuts down conveyors supplying work to the tank when the temperature reaches the alarm setpoint, if operationally practical.

(6) Have a circulating cooling system if the temperature of the liquid can exceed the alarm set point.

Note: The bottom drain of the tank may be combined with the oil circulating system if the requirements for bottom drains in WAC 296-307-45515 are satisfied.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-46005, filed 5/6/03, effective 8/1/03.]

WAC 296-307-46025 Provide additional safeguards for vapor degreasing tanks.

You must:

(1) Make sure, if the tank has a condenser or a vapor-level thermostat, that it keeps the vapor level at least:

• Thirty-six inches (91 cm) below the top of the tank if the width of the tank is seventy-two inches or more

OR

• One-half the tank width below the top of the tank if the tank is less than seventy-two inches wide.

(2) Make sure, if you use gas as a fuel to heat the tank liquid, that the combustion chamber is airtight (except for the flue opening) to prevent solvent vapors from entering the air-fuel mixture.

(3) Make sure the exhaust flue:

• Is made of corrosion-resistant material

• Extends to the outside

• Has a draft diverter if mechanical exhaust is used.

(4) Take special precautions to keep solvent vapors from mixing with the combustion air of the heater if chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene or freon) are used in the dip tank.

(5) Keep the temperature of the heating element low enough to keep a solvent or mixture from:

• Decomposing

OR

• Generating excessive vapor.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-46025, filed 5/6/03, effective 8/1/03.]

WAC 296-307-46030 Control liquid spray over an open surface cleaning or degreasing tank.

You must:

• Control the spray to the greatest extent feasible by:

– Enclosing the spraying operation as completely as possible

– Using mechanical ventilation to provide enough inward air velocity to prevent the spray from leaving the vapor area.

Note: Mechanical baffles may be used to help prevent the discharge of spray.

Reference: Spray painting operations are covered in Spray-finishing operations, WAC 296-62-11019.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-46030, filed 5/6/03, effective 8/1/03.]

WAC 296-307-465 Definitions.

ACGIH: American Conference of Governmental Industrial Hygienists.

Adjacent area: Any area within twenty feet (6.1 m) of a vapor area that is not separated from the vapor area by tight partitions.

ANSI: American National Standards Institute.

Approved: Approved or listed by a nationally recognized testing laboratory. Refer to federal regulation 29 CFR 1910.7, for definition of nationally recognized testing laboratory.

Autoignition temperature: The minimum temperature required to cause self-sustained combustion without any other source of heat.

Combustible liquid: A liquid having a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least ninety-nine percent of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Detearing: A process for removing excess wet coating material from the bottom edge of a dipped or coated object or material by passing it through an electrostatic field.

Dip tank: A container holding a liquid other than plain water that is used for dipping or coating. An object may be immersed (or partially immersed) in a dip tank or it may be suspended in a vapor coming from the tank.

Flammable liquid: Any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

Flashpoint: The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the measurement methods described in the definition of flashpoint in WAC 296-307-55060.

Lower flammable limit: The lowest concentration of a material that will propagate a flame. The LFL is usually expressed as a percent by volume of the material in air (or other oxidant).

NFPA: National Fire Protection Association.

Vapor area: Any area in the vicinity of dip tanks, their drain boards or associated drying, conveying, or other equipment where the vapor concentration could exceed twenty-five percent of the lower flammable limit (LFL) for the liquid in the tank.

You: Means the employer.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-465, filed 5/6/03, effective 8/1/03.]

WAC 296-307-55030 Inform and train your employees about hazardous chemicals in your workplace.

Note: The employer chemical hazard communication information and training requirements also apply to pesticides. Employers who have employees who are exposed to pesticides must be in compliance with this rule and the worker protection standards, WAC 296-307-12040.

You must:

• Provide employees with effective information on hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced into their employees' work areas, information must be provided.

– Inform employees of:

?The requirements of this rule.

? Any operations in their work area where hazardous chemicals are present.

?The location and availability of your written Chemical Hazard Communication Program, including the list(s) of hazardous chemicals and material safety data sheets (MSDSs) required by this rule.

• Provide employees with effective training about hazardous chemicals in their work area at the time of their initial job assignment. Whenever a new physical or health hazard related to chemical exposure is introduced, the employees must be trained.

• Make sure that employee training includes:

– Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area. Examples of these methods and observations may include:

?Monitoring conducted by you

?Continuous monitoring devices

? Visual appearance or odor of hazardous chemicals when being released

– Physical and health hazards of the chemicals in the work area, including the likely physical symptoms or effects of overexposure

– Steps employees can take to protect themselves from the chemical hazards in your workplace, including specific procedures implemented by you to protect employees from exposure to hazardous chemicals. Specific procedures may include:

?Appropriate work practices

?Engineering controls

?Emergency procedures

?Personal protective equipment to be used

– Details of the Chemical Hazard Communication Program developed by you, including an explanation of the

labeling system and the MSDS, and how employees can obtain and use the appropriate hazard information.

• Tailor information and training to the types of hazards to which employees will be exposed. The information and training may be designed to cover categories of hazards, such as flammability or cancer-causing potential, or it may address specific chemicals. Chemical-specific information must always be available through labels and MSDSs.

• Make reasonable efforts to post notices in your employees' native languages (as provided by the department) if those employees have trouble communicating in English.

Note:
- Interactive computer-based training or training videos can be used provided they are effective.
- Your MSDSs may not have WISHA permissible exposure limits (PELs) listed. In some cases, WISHA PELs are stricter than the OSHA PELs and other exposure limits listed on the MSDSs you receive. If this is the case, you must refer to the WISHA PEL table, WAC 296-62-075, for the appropriate exposure limits to be covered during training.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-55030, filed 5/6/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-17-033, § 296-307-55030, filed 8/8/01, effective 9/1/01.]

WAC 296-307-560 Scope. This chapter sets minimum requirements for content and distribution of material safety data sheets (MSDSs) and labels for hazardous chemicals.

• This chapter applies when you do **one or more** of the following:

– Import, produce, or repackage chemicals, including manufactured items (such as bricks, welding rods, and sheet metal) that are not exempt as articles

– Sell or distribute hazardous chemicals to manufacturers, distributors or employers

– Choose not to rely on material safety data sheets (MSDSs) provided by the importer, manufacturer or distributor.

Note:
- You are not required to evaluate chemicals or create MSDSs for chemicals you did not produce or import. If you decide to evaluate chemicals or create MSDSs, then the requirements of this chapter will apply to you.
- Use Table 2 to determine which sections in this chapter apply to your workplace.

Exemptions:
- All of the following are **always** exempt from this chapter:
  – Ionizing and nonionizing radiation
  – Biological hazards
  – Tobacco and tobacco products
- The chemicals and items listed in Table 1 are exempt from this chapter **under the conditions specified.**

Table 1
Conditional Exemptions From This Chapter

This chapter does NOT apply to	When
• Alcoholic beverages **OR** • Foods	• Sold, used, or prepared in a retail establishment (such as a grocery store, restaurant, bar, or tavern)
• An article (manufactured item)	• It is not a fluid or particle **AND** • It is formed to a specific shape or design during manufacture for a particular end use function[1] **AND** • It releases only trace amounts of a hazardous chemical during normal use **AND** does not pose a physical or health risk to employees
• Consumer products – Produced or distributed for sale meeting the definition of "consumer products" in the Consumer Product Safety Act (see U.S. Code, Title 15, Chapter 47, section 2052[2]) **OR** • Hazardous household products – Meeting the definition of "hazardous substances" in the Federal Hazardous Substance Act (see U.S. Code, Title 15, Chapter 30, section 1261[2])	• Both criteria apply: – They are used in the workplace for the same purpose as intended by the manufacturer or importer – The duration and frequency of an employee's exposure is no more than the range of exposures that consumers might reasonably experience
• Cosmetics	• Packaged and sold in retail establishments
• Drugs – Meeting the definition for "drugs" in the Federal Food, Drug, and Cosmetic Act (see U.S. Code, Title 21, Chapter 9, Subchapter II, section 321[2])	• In solid, final form (for example, tablets, or pills) for direct administration to the patient **OR** • Packaged and sold in retail establishments (for example, over-the-counter drugs) **OR** • Intended for employee consumption while in the workplace (for example, first-aid supplies)

Table 1
Conditional Exemptions From This Chapter

This chapter does NOT apply to	When
• Hazardous solid wastes – Meeting the definition of "hazardous wastes" in the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (see U.S. Code, Title 42, Chapter 82, Subchapter I, section 6903[2])	• Subject to the United States Environmental Protection Agency (EPA) regulations[3]
• Hazardous substances – Released into the environment, meeting the definition of "hazardous substances" in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (see U.S. Code, Title 42, Chapter 103, Subchapter I, section 9601[2])	• They are the focus of remedial or removal action being conducted under CERCLA in accordance with EPA regulations (Title 40 of the Code of Federal Regulations (CFR)[3])
• Hazardous wastes – Meeting the definition of "dangerous wastes" in the Hazardous Waste Management Act (see chapter 70.105 RCW[4])	• Subject to department of ecology regulations, chapter 173-303 WAC[5], that address the accumulation, handling and management of hazardous waste, and describe all of the following: – Safety – Labeling – Personnel training – And other related requirements
• Solid wood **OR** • Wood products (for example, lumber, and paper)	• All of the following apply: – The material is not treated with hazardous chemicals – The only hazard is potential flammability or combustibility – The product is not expected to be processed (for example, by sanding or sawing)

[1]End use is dependent in whole, or in part, upon maintaining the item's original shape or design. If the item will be significantly altered from its original form, it can no longer be considered a manufactured item.

[2]This federal act is included in the United States Code. See http://www.access.gpo.gov/uscode/uscmain.html.

[3]EPA regulations are included in the Code of Federal Regulations (CFR). See http://www.epa.gov.

[4]This state act is included in the Revised Code of Washington (RCW). The RCW compiles all permanent laws of the state. See http://www.leg.wa.gov/wsladm/default.htm.

[5]See http://www.ecy.wa.gov.

Use Table 2 to find out which sections of this chapter apply to you. For example, if you import **AND** sell hazardous chemicals **ALL** sections apply. WAC 296-307-56050 applies to all employers covered by the scope of this chapter.

Table 2
Section Application

If you	Then the sections marked with an "X" apply			
	56010 - 56015	56025	56030 - 56035	56045
• Import or produce chemicals	X	X		
• Sell or distribute hazardous chemicals to – Manufacturers **OR** – Distributors **OR** – Employers (includes retail or wholesale transactions)			X	X
• Choose to **NOT** rely on MSDSs provided by the importer, manufacturer or distributor	X	X		

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-560, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56005 Hazard evaluation.

Your responsibility:

To make sure the hazardous chemicals are identified.

You must:

Conduct complete hazard evaluations
WAC 296-307-56010
Provide access to hazard evaluation procedures
WAC 296-307-56015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56005, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56010 Conduct complete hazard evaluations.

IMPORTANT:

• Hazard evaluation is a process where hazards of chemicals are identified by reviewing available research or testing information. You are not required to perform your own laboratory research or testing to meet the requirements of this section

– Information from hazard evaluations is used to complete material safety data sheets (MSDSs) and labels

– MSDSs from your suppliers may be used to complete the hazard evaluation for chemicals you produce

– MSDSs and labels are **NOT** required for chemicals that are determined to be nonhazardous

• Importers and manufacturers are required to develop MSDSs and labels. If you decide to develop your own MSDSs and labels, then this chapter also applies to you.

You must:

(1) Describe in writing your procedures for conducting hazard evaluations.

(2) Conduct a complete hazard evaluation for **ALL** chemicals you produce or import to determine if they are hazardous chemicals.

• Identify and consider available scientific evidence of health and physical hazards

• Evidence that meets the criteria in Table 3 must be used to establish a hazard

• Chemicals identified in a Table 4 source must be regarded as hazardous

• The scope of health hazards considered must include the categories in Tables 5 and 6

• If the chemical is a mixture, follow the additional criteria in Table 7

• If you find evidence that meets the criteria in Table 3, use it in your hazard evaluation.

Table 3
Criteria for Hazard Evidence

Hazard	Criteria
• Health hazard	• Where available, use human case reports of health effects **AND** • One or more studies that – Are based on human populations, if available, and animal populations[1,2] **AND** – Report statistically significant conclusions of a hazardous effect or health hazard (as defined in this rule) **AND** – Have been conducted following established scientific principles
• Physical hazard	• Valid evidence that shows a chemical is any one of the following[3]: – A combustible liquid – A compressed gas – Explosive – Flammable – An organic peroxide – An oxidizer – Pyrophoric – Unstable (reactive) – Water-reactive

[1]If human data is not available, use results of tests done on animals and other available studies to predict health effects on employees (for example, effects resulting from short and long-term exposures to chemicals).

[2]In vitro studies alone do not generally form the basis of a finding of hazard.

[3]These terms are defined in WAC 296-307-56050.

Chemicals identified in the sources listed in Table 4 must be assumed to be hazardous (including carcinogens and potential carcinogens).

Table 4
Information Sources Identifying Hazardous Chemicals

• Sources that address a broad range of hazard categories:
– Chapter 296-62 WAC, General Occupational Health Standards, WISHA
– 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)
– *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

• Sources that identify carcinogens or potential carcinogens:
– Chapter 296-62 WAC, General Occupational Health Standards, WISHA
– 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA)
– National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition)
– International Agency for Research on Cancer (IARC) Monographs (latest editions).

Note: The *Registry of Toxic Effects of Chemical Substances* is published by the National Institute for Occupational Safety and Health (NIOSH) and identifies chemicals found to be potential carcinogens by the NTP and IARC.

Chemicals meeting Table 5 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Table 5 is NOT intended to present all hazard categories or test methods. Available scientific data involving other test methods and animal species must also be evaluated to determine a chemical's hazards.

Table 5
Standard Health Hazard Categories

A chemical is considered to be	If
• A carcinogen	• The International Agency for Research on Cancer (IARC) considers it to be a carcinogen or potential carcinogen **OR** • The National Toxicity Program (NTP) (latest edition) lists it as a carcinogen or potential carcinogen **OR** • It is regulated by WISHA or OSHA as a carcinogen
• Corrosive	• It causes visible destruction of, or irreversible alterations in, living tissue (not inanimate surfaces) by chemical action at the site of contact Example:

Table 5
Standard Health Hazard Categories

A chemical is considered to be	If
	– A chemical is corrosive if tested on the intact skin of albino rabbits by a method described by the U.S. Department of Transportation (in Appendix A to 49 CFR Part 173) and it destroys or changes (irreversibly) the structure of the tissue at the contact site after a four-hour exposure period
• Toxic	• It has a median lethal dose (LD50) greater than 50 milligrams per kilogram, but no more than 500 milligrams per kilogram of body weight, when administered orally to albino rats weighing between 200 - 300 grams each **OR** • It has a median lethal dose (LD50) greater than 200 milligrams per kilogram, but not more than 1,000 milligrams per kilogram, of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each **OR** • It has a median lethal concentration (LC50), in air: – Greater than 200 parts per million, but not more than 2,000 parts per million (by volume of gas or vapor) **OR** – Greater than 2 milligrams per liter, but not more than 20 milligrams per liter, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats, weighing between 200 - 300 grams each
• Highly toxic	• It has a median lethal dose (LD50) of 50 milligrams, or less, per kilogram of body weight when administered orally to albino rats weighing between 200 - 300 grams each **OR**
	• It has a median lethal dose (LD50) of 200 milligrams, or less, per kilogram of body weight when administered by continuous contact for twenty-four hours (or less if death occurs within twenty-four hours) with the bare skin of albino rabbits weighing between 2 - 3 kilograms each **OR** • It has a median lethal concentration of (LC50), in air, of: – 200 parts per million (by volume), or less, of gas or vapor **OR** – 2 milligrams per liter, or less, of mist, fume, or dust, when administered by continuous inhalation for one hour (or less if death occurs within one hour) to albino rats weighing between 200 - 300 grams each
• An irritant	• It is **NOT** corrosive, but causes a reversible inflammatory effect on living tissue by chemical action at the contact site Examples: – The chemical is a skin irritant when tested on the intact skin of albino rabbits (by the methods of 16 CFR 1500.41) for four hours exposure (or by other appropriate techniques), and the exposure results in an empirical score of five or more – A chemical is an eye irritant if so determined under the procedure listed in 16 CFR 1500.42 or other appropriate techniques
• A sensitizer	• It causes a substantial proportion of exposed people or animals to develop an allergic reaction in normal tissue after repeated exposure

Categories provided in Table 6 illustrate the broad range of target organ effects that must be considered when conducting hazard evaluations. Chemicals meeting Table 6 definitions, along with the criteria for established evidence in Table 3, must be regarded as hazardous.

Examples provided in Table 6 are **NOT** intended to be a complete list.

Table 6
Examples of Target Organ Effect Categories Category

Category	Definition	Examples of Signs and Symptoms	Examples of Chemicals
Hepatotoxins	Cause liver damage	• Jaundice • Liver enlargement	• Carbon tetrachloride • Nitrosamines
Nephrotoxins	Cause kidney damage	• Edema • Proteinuria	• Halogenated hydrocarbons • Cadmium
Neurotoxins	Cause primary toxic effects on the nervous system	• Narcosis • Behavioral changes • Decrease in motor functions	• Mercury • Carbon disulfide • Lead
Chemicals that act on the • Blood **OR** • Hematopoietic (blood forming) system	• Decrease hemoglobin function **OR** • Deprive the body tissues of oxygen	• Cyanosis • Loss of consciousness	• Carbon monoxide • Cyanides • Benzene
Chemicals that damage the lungs	• Irritate lungs **OR** • Damage pulmonary tissue	• Cough • Tightness in chest • Shortness of breath	• Silica • Asbestos
Reproductive toxins	Affect reproductive capabilities, including: • Chromosomal damage (mutation) • Effects on fetuses (teratogenesis)	• Birth defects • Sterility	• Lead • 1,2-Dibromo-3-chloropropane (DBCP) • Nitrous oxide
Cutaneous (skin) hazards	Affect the dermal layer of the body	• Defatting of the skin • Rashes • Irritation	• Ketones • Chlorinated compounds
Eye hazards	Affect the eye or ability to see	• Conjunctivitis • Corneal damage	• Organic solvents • Acids

Table 7
Criteria for Evaluating Chemical Mixtures

If a mixture	Then
• Has been thoroughly tested as a whole for a physical or health hazard	• You must use those results
• Has **NOT** been tested as a whole for a health hazard	• You must: – Evaluate **EACH** ingredient in the mixture to determine the hazards – Consider the mixture to have the same hazard as each ingredient determined to be hazardous
• Has **NOT** been tested as a whole for physical hazards	• You must: • Use any scientifically valid data available to evaluate the potential physical hazards of the mixture

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56010, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56015 Provide access to hazard evaluation procedures.

You must:

• Provide access to your written hazard evaluation procedures when requested by any of the following:

– Employees

– Designated representatives of employees

– Representatives of the department of labor and industries

– Representatives of the National Institute for Occupational Safety and Health (NIOSH).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56015, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56020 Material safety data sheets.

Your responsibility:

To provide complete and accurate material safety data sheets (MSDSs).

You must:

Develop or obtain MSDSs

WAC 296-307-56025

Provide MSDSs

WAC 296-307-56030

Follow-up if an MSDS is not provided

WAC 296-307-56035.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56020, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56025 Develop or obtain material safety data sheets (MSDSs).

You must:

• Develop or obtain a complete and accurate material safety data sheet (MSDS) for each hazardous chemical or mixture according to **ALL** of the following:

– **ALL** information in Table 8 must be completed. If there is no relevant information for a required item, this must be noted. Blank spaces are not permitted.

Note: • No specific format is required for MSDSs; however, an example format (OSHA form 174) can be found online at: http://www.osha.gov
• One MSDS can be developed for a group of complex mixtures (for example, jet fuels or crude oil) **IF** the health and physical hazards of the mixtures are similar (the amounts of chemicals in the mixture may vary).

– Content of MSDSs must accurately represent the available scientific evidence.

Note: You may report results of scientifically valid studies that tend to refute findings of hazards.

– MSDSs must be in English.

Note: You may develop copies of MSDSs in other languages.

You must:

• Revise an MSDS when you become aware of new and significant information regarding the hazards of a chemical, or how to protect against the hazards

– Within three months after you first become aware of the information

OR

– Before the chemical is reintroduced into the workplace if the chemical is no longer being used, produced or imported.

Table 8 Information Required on MSDSs
• The chemical's identity as it appears on the label
• The date the MSDS was prepared or updated
• A contact for additional information about the hazardous chemical and appropriate emergency procedures Include all of the following: – Name – Address – Telephone number of the responsible party preparing or distributing the MSDS
• The chemical's hazardous ingredients[1] as determined by your hazard evaluation – For a **single substance chemical,** include the chemical and common name(s) of the substance – For **mixtures** tested as a whole ?Include the common name(s) of the mixture **AND** ?List the chemical and common name(s) of ingredients that contribute to the known hazards – For **mixtures NOT** tested as a whole, list the chemical and common name(s) of hazardous ingredients ?That make up 1% or more of the mixture, by weight or volume, including carcinogens (if 0.1% concentration or more, by weight or volume) – If ingredients are less than the above concentrations but may present a health risk to employees (for example, allergic reaction or exposure could exceed the permissible exposure limits, or PEL) they must be listed here
• Exposure limits for airborne concentrations. Include **ALL** of the following, when they exist: – WISHA or OSHA PELs[2] ?The 8-hour time weighted average (TWA) ?The short-term exposure limit (STEL), if available ?Ceiling values, if available – Threshold limit values (TLVs) including 8-hour TWAs, STELs, and ceiling values – Other exposure limits used or recommended by the employer preparing the MSDS
• Physical and chemical characteristics – For example, boiling point, vapor pressure, and odor
• Fire, explosion data, and related information – For example, flashpoint, flammable and explosion limits, extinguishing media, and unusual fire or explosion hazards
• Physical hazards of the chemical including reactivity information – For example, incompatibilities, decomposition products, by-products, and conditions to avoid
• Health hazard information including **ALL** of the following: – Primary routes of exposure • For example, inhalation, ingestion, and skin absorption or other contact[3] – Health effects (or hazards) associated with: ?Short-term exposure[4] **AND** ?Long-term exposure[4]

Table 8 Information Required on MSDSs
– Whether the chemical is listed or described as a carcinogen or potential carcinogen in the latest editions of each of the following: ?The National Toxicology Program (NTP) Annual Report on Carcinogens **OR** ?The International Agency for Research on Cancer (IARC) Monographs as a potential carcinogen **OR** ?WISHA or OSHA rules – Signs and symptoms of exposure[5] – Medical conditions generally recognized as being aggravated by exposure
• Emergency and first-aid procedures
• Generally applicable precautions for safe handling and use known to the employer preparing the MSDS – For example, appropriate procedures for clean-up of spills and leaks, waste disposal method, precautions during handling and storing
• Generally applicable and appropriate control measures known to the employer preparing the MSDS, including **ALL** of the following: – Engineering controls (for example, general or local exhaust ventilation) – Work practices – Personal protective equipment (PPE) – Personal hygiene practices – Protective measures during repair and maintenance of contaminated equipment

[1]The identities of some chemicals may be protected as trade secret information (see chapter 296-62 WAC, Part B-1, Trade secrets).

[2]WISHA PEL categories are defined, and values are provided, in chapter 296-62 WAC, Part H.

[3]A "skin notation" listed with either an ACGIH TLV or WISHA/OSHA PEL indicates that skin absorption is a primary route of exposure.

[4]Examples of:
• Short-term health effects (or hazards) include eye irritation, skin damage caused by contact with corrosives, narcosis, sensitization, and lethal dose.
• Long-term health effects (or hazards) include cancer, liver degeneration, and silicosis.

[5]Signs and symptoms of exposure to hazardous substances include those that:
• Can be measured such as decreased pulmonary function
AND
• Are subjective such as feeling short of breath.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56025, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56030 Provide MSDSs for products shipped, transferred or sold over-the-counter.

You must:

• Provide the correct MSDS to manufacturers, distributors and employers:

– With the initial shipment or transfer of the product

AND

– With the first shipment or transfer after an MSDS is updated

AND

– Whenever one is requested.

Note: • MSDSs may be provided separately from containers as long as they are provided before or at the same time as the containers. For example, you may fax, or e-mail the MSDS
• You are **NOT** required to provide MSDSs to retailers who inform you they
– Do not sell the product to commercial accounts
AND
– Do not open the sealed product containers for use in their workplace.

You must:

• Follow the requirements in Table 9 for chemicals sold over-the-counter.

Table 9
Requirements for Chemicals Sold Over-the-Counter (NOT Shipped)

If you are a	Then
• Retail distributor **WITH** commercial accounts	• Provide an MSDS to employers with commercial accounts when requested **AND** • Post a sign, or otherwise inform employers, that MSDSs are available
• Retail distributor **WITHOUT** commercial accounts	• Provide the employer, when requested, with **ALL** of the following: – Name – Address – Telephone number of the chemical manufacturer, importer, or distributor who can provide an MSDS
• Wholesale distributor selling products over-the-counter to employers	• Provide an MSDS to employers with commercial accounts when requested **AND** • Post a sign, or otherwise inform employers, that MSDSs are available

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56030, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56035 Follow-up if an MSDS is not provided.

You must:

• Obtain an MSDS from the chemical manufacturer, distributor or importer as soon as possible, if an MSDS is not provided for a shipment labeled as a hazardous chemical.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56035, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56040 Labeling.

Your responsibility:

To provide employers with containers of hazardous chemicals that are properly labeled.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56040, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56045 Label containers of hazardous chemicals.

Exemption: Containers are exempt from this section if **ALL** hazardous contents are listed in Table 11.

You must:

• Make sure every container of hazardous chemicals leaving the workplace is properly labeled. This includes **ALL** of the following:

– The identity of the hazardous chemical (the chemical or common name) that matches the identity used on the MSDS

– An appropriate hazard warning

– The name and address of the chemical manufacturer, importer, or other responsible party

– Make sure labeling does not conflict with the requirements of:

• The Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)

AND

• Regulations issued under the act by the U.S. Department of Transportation (Title 49 of the Code of Federal Regulations, Parts 171 through 180). See http://www.dot.gov

– Revise labels within three months of becoming aware of new and significant information about chemical hazards

– Provide revised labels on containers beginning with the first shipment after a revision, to manufacturers, distributors or employers

– Revise the label when a chemical is not currently used, produced or imported, before:

• You resume shipping (or transferring) the chemical

OR

• The chemical is reintroduced in the workplace

– Label information

• Clearly written in English

AND

• Prominently displayed on the container.

Reference: Additional labeling requirements for specific hazardous chemicals (for example, asbestos, cadmium, and formaldehyde) are found in chapter 296-62 WAC, General occupational health standards (see parts F, G, I and I-1 of that chapter).

Note: When the conditions specified in Table 10 are met for the solid material products listed, you are not required to provide labels for every shipment.

Table 10
Labeling for Solid Materials

You need only send labels with the first shipment, IF the product is	And
Whole grain	• It is shipped to the same customer **AND** • No hazardous chemicals are part of or known to be present with the product which could expose employees during handling – For example, cutting fluids on solid metal, and pesticides with grain
Solid untreated wood	
Solid metal For example: Steel beams, metal castings	
Plastic items	

Exemptions: The chemicals (and items) listed in Table 11 are **EXEMPT** from **THIS SECTION** under the conditions specified. Requirements in other sections still apply.

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
• Pesticides – Meeting the definition of "pesticides" in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see Title 7, U.S.C. Chapter 6, Subchapter II, section 136[1]) **AND**	• Subject to – Labeling requirements of FIFRA[1] **AND** – Labeling regulations issued under FIFRA by the United States Environmental Protection Agency (EPA) (see Title 40 of the Code of Federal Regulations[2])
• A chemical substance or mixture – Meeting the definition of "chemical substance" or "mixture" in the Toxic Substance Control Act (TSCA) (see Title 15 U.S.C. Chapter 53, Subchapter II, Section 2602[1]) **AND**	• Subject to – Labeling requirements of TSCA[1] **AND** – Labeling requirements issued under TSCA by the EPA (see Title 40 of the Code of Federal Regulations[2])
• Each of the following – Food – Food additives – Color additives – Drugs – Cosmetics – Medical devices or products – Veterinary devices or products – Materials intended for use in these products (for example: Flavors, and fragrances) **OR**	• Subject to: – Labeling requirements in Federal Food, Drug, and Cosmetic Act, Virus-Serum Toxin Act of 1913, and issued regulations enforced by the United States Food and Drug Administration (see Title 21 Parts 101-180 in the Code of Federal Regulations[3])

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
• As defined in – The Federal Food, Drug, and Cosmetic Act (see Title 21 U.S.C. Chapter 9, Subchapter II, Section 321[1]) **OR** – The Virus-Serum Toxin Act of 1913 (see Title 21 U.S.C. Chapter 5, Section 151 et seq.[1]) **OR** – Regulations issued under these acts (see Title 21 Part 101 in the Code of Federal Regulations, and Title 9, in the Code of Federal Regulations[3])	– Department of Agriculture (see Title 9, in the Code of Federal Regulations[3])
• Each of the following: – Distilled spirits (beverage alcohols) **AND** – Wine **AND** – Malt beverage • As defined in – The Federal Alcohol Administration Act (see Title 27 U.S.C. Section 201[1]) **AND**	• Subject to: – Labeling requirements of Federal Alcohol Administration Act[1] **AND** – Labeling regulations issued under Federal Alcohol Administration Act by the Bureau of Alcohol, Tobacco, and Firearms (see Title 27 in the Code of Federal Regulations[3])

Table 11
Conditional Label Exemptions

This section does not apply to	When the product is
– Regulations issued under this act (see Title 27 in the Code of Federal Regulations[3])	
• Consumer products **AND** • Hazardous substances – As defined in the Consumer Product Safety Act (see 15 U.S.C. 2051 et seq.[1]) **AND** – The Federal Hazardous Substances Act (see 15 U.S.C. 1261 et seq.[1])	• Subject to: – A consumer product safety or labeling requirement of the Consumer Product Safety Act or Federal Hazardous Substances Act[1] **OR** – Regulations issued under these acts by the Consumer Product Safety Commission (see Title 16 in the Code of Federal Regulations[3])
• Agricultural seed **AND** • Vegetable seed treated with pesticides	• Labeled as required by – The Federal Seed Act (see Title 7 U.S.C. Chapter 37 Section 1551 et seq.[1]) **AND** – Labeling requirements issued under Federal Seed Act by the United States Department of Agriculture[1]

[1]This federal act is included in the United States Code. See http://www.access.gpo.gov/uscode/uscmain.html.

[2]See http://www.epa.gov.

[3]See http://www.access.gpo.gov/nara/cfr/index.html.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-10-068, § 296-307-56045, filed 5/6/03, effective 8/1/03.]

WAC 296-307-56050 Definitions. The following definitions apply to this chapter:

Article (manufactured item)

A manufactured item that

• Is not a fluid or particle

AND

• Is formed to a specific shape or design during manufacture for a particular end use function

AND

• Releases only trace amounts of a hazardous chemical during normal use and does not pose a physical or health risk to employees.

Chemical

• An element or mixture of elements

OR

• A compound or mixture of compounds

OR

• A mixture of elements and compounds

Included are manufactured items (such as bricks, welding rods and sheet metal) that are not exempt as an article.

Chemical name

• The scientific designation of a chemical developed by the

– International union of pure and applied chemistry (IUPAC)

OR

– Chemical abstracts service (CAS) rules of nomenclature

OR

• A name that clearly identifies the chemical for the purpose of conducting a hazard evaluation.

Combustible liquid

Liquids with a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). A mixture with at least 99% of its components having flashpoints of 200°F (93.3°C), or higher, is not considered a combustible liquid.

Commercial account

An arrangement where a retailer is selling hazardous chemicals to an employer

• Generally in large quantities over time

OR

• At costs below regular retail price.

Common name

Any designation or identification used to identify a chemical other than the chemical name, such as a

• Code name or number

OR

• Trade or brand name

OR

• Generic name.

Compressed gas

• A contained gas or mixture of gases with an absolute pressure greater than:

– 40 psi at 70°F (21.1°C)

OR

– 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

OR

• A liquid with a vapor pressure greater than 40 psi at 100°F (37.8°C), as determined by ASTM D323-72.

Container

A vessel, other than a pipe or piping system, that holds a hazardous chemical. Examples include:

• Bags

• Barrels

• Bottles

• Boxes

• Cans

• Cylinders
• Drums
• Reaction vessels
• Storage tanks
• Rail cars.

Designated representative

• An individual or organization with written authorization from an employee

OR

• A recognized or certified collective bargaining agent (not necessarily authorized by an employee)

OR

• A legal representative of a deceased or legally incapacitated employee.

Distributor

A business that supplies hazardous chemicals to other employers. Included are employers who conduct retail and wholesale transactions.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Flammable

A chemical in one of the following categories:

• Aerosols that, when tested using a method described in 16 CFR 1500.45, yield either a:

– Flame projection of more than eighteen inches at full valve opening

OR

– A flashback (a flame extending back to the valve) at any degree of valve opening

• Gases that, at the temperature and pressure of the surrounding area, form a:

– Flammable mixture with air at a concentration of thirteen percent, by volume, or less

OR

– Range of flammable mixtures with air wider than twelve percent, by volume, regardless of the lower limit

• Liquids with a flashpoint below 100°F (37.8°C). A mixture with at least ninety-nine percent of its components having flashpoints of 100°F (37.8°C), or higher, is not considered a flammable liquid

• Solids, other than blasting agents or explosives, as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that:

– Is likely to cause fire through friction, moisture, absorption, spontaneous chemical change or retained heat from manufacturing or processing

OR

– That can be readily ignited (and when ignited burns so vigorously and persistently that it creates a serious hazard)

OR

– When tested by the method described in 16 CFR 1500.44, ignite and burn with a self-sustained flame at a rate greater than 1/10th of an inch per second along its major axis.

Flashpoint

The minimum temperature at which a liquid gives off an ignitable concentration of vapor, when tested by any of the following measurement methods:

• Tagliabue closed tester. Use this for liquids with a viscosity less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not tend to form a surface film under test. See American National Standard Method of Test for Flashpoint by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)

• Pensky-Martens closed tester. Use this for liquids with a viscosity equal to, or greater than, 45 SUS at 100°F (37.8°C) or for liquids that contain suspended solids or have a tendency to form a surface film under test. See American National Standard Method of Test for Flashpoint by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)

• Setaflash closed tester. See American National Standard Method of Test for Flashpoint by Setaflash Closed Tester (ASTM D 3278-78)

Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Hazardous chemical

A chemical, which is a physical or health hazard.

Hazard warning

Words, pictures or symbols (alone or in combination) that appear on labels (or other forms of warning such as placards or tags) that communicate specific physical and health hazards (including target organ effects) associated with chemicals in a container.

Health hazard

A chemical that may cause health effects in short or long-term exposed employees based on statistically significant evidence from a single study conducted by using established scientific principles.

Health hazards include, but are not limited to, any of the following:

• Carcinogens
• Toxic or highly toxic substances
• Reproductive toxins
• Irritants
• Corrosives
• Sensitizers
• Hepatotoxins (liver toxins)
• Nephrotoxins (kidney toxins)
• Neurotoxins (nervous system toxins)
• Substances that act on the hematopoietic system (blood or blood forming system)
• Substances that can damage the lungs, skin, eyes, or mucous membranes.

Identity

A chemical or common name listed on the material safety data sheet (MSDS) and label.

Importer

The first business, within the Customs Territory of the United States, that receives hazardous chemicals produced in other countries and supplies them to manufacturers, distributors or employers within the United States.

Label

Written, printed, or graphic material displayed on, or attached to, a container of hazardous chemicals.

Manufacturer

An employer with a workplace where one or more chemicals (including items not exempt as "articles," see Table 1 in this chapter) are produced for use or distribution.

Material safety data sheet (MSDS)

Written, printed or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors or employers about the chemical, its hazards and protective measures as required by this rule.

Mixture

A combination of two or more chemicals that retain their chemical identify after being combined.

Organic peroxide

An organic compound containing the bivalent-O-O-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Oxidizer

A chemical, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits

See chapter 296-62 WAC Part H, for definition of this term.

Physical hazards

A chemical that has scientifically valid evidence to show it is one of the following:

- A combustible liquid
- A compressed gas
- Explosive
- Flammable
- An organic peroxide
- An oxidizer
- Pyrophoric
- Unstable (reactive)
- Water-reactive.

Produce

To do one or more of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage.

Pyrophoric

Chemicals that ignite spontaneously in the air at a temperature of 130°F (54.4°C) or below.

Responsible party

Someone who can provide more information about the hazardous chemical and appropriate emergency procedures.

Retailer

See "distributor."

Threshold limit values (TLVs)

Airborne concentrations of substances established by the American Conference of Governmental Industrial Hygienists (ACGIH), and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse health effects.

TLVs are specified in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* and include the following categories:

- Threshold limit value-time-weighted average (TLV-TWA)
- Threshold limit value-short-term exposure limit (TLV-STEL)
- Threshold limit value-ceiling (TLV-C).

Unstable (reactive)

A chemical in its pure state, or as produced or transported, that will vigorously polymerize, decompose, condense, or become self-reactive under conditions of shocks, pressure or temperature.

Use

To do one or more of the following:

- Package
- Handle
- React
- Emit
- Extract
- Generate as a by-product
- Transfer.

Water-reactive

A chemical that reacts with water to release a gas that is either flammable or presents a heath hazard.

Wholesaler

See "distributor."

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-10-068, § 296-307-56050, filed 5/6/03, effective 8/1/03.]

Chapter 296-400A WAC

PLUMBER CERTIFICATION RULES

(Formerly chapter 296-400 WAC)

WAC

296-400A-045 What fees will I have to pay?

WAC 296-400A-045 What fees will I have to pay? The following are the department's plumbers fees:

(1) Fees related to journeyman and specialty plumber certification:

Type of Fee	Period Covered by Fee	Dollar Amount of Fee
Examination application	Per examination	$111.80
Reciprocity application	Per application	$111.80
Trainee certificate**	One year	$33.50
Temporary permit (not applicable for backflow assembly maintenance and repair specialty)	90 days	$55.70
Journeyman or residential specialty certificate***	Two years (fee may be prorated based on months)	$89.60

Backflow assembly maintenance and repair specialty certificate	Two years (fee may be prorated based on months)	$61.90
Medical gas endorsement examination application	Per application	$41.30
Medical gas endorsement***	One year	$30.90
Medical gas endorsement	Less than one year	$2.50 per month with a minimum fee of $18.00
Medical gas endorsement examination fee****		See note below.
Medical gas endorsement training course fee*****		See note below.
Reinstatement fee for residential and journeyman certificates		$179.20
Reinstatement fee for backflow assembly maintenance and repair specialty certificates		$103.20
Replacement fee for all certificates		$15.40

* Reciprocity application is only allowed for applicants that are applying work experience toward certification that was obtained in state(s) that the department has a reciprocity agreement with.

** The trainee certificate shall expire one year from the date of issuance and be renewed on or before the date of expiration.

*** This fee applies to either the original issuance or a renewal of a certificate. If you have passed the plumbers certificate of competency examination or the medical gas piping installer endorsement examination and paid the certificate fee, you will be issued a plumber certificate of competency or a medical gas endorsement that will expire on your birthdate.

The annual renewal of a Medical Gas Piping Installer Endorsement shall include a continuity affidavit verifying that brazing work has been performed within the past year.

**** This fee is paid directly to a nationally recognized testing agency under contract with the department. It covers the cost of preparing and administering the written competency examination and the materials necessary to conduct the practical competency examination required for the medical gas piping system installers endorsement. **This fee is not paid to the department.**

***** This fee is paid directly to a training course provider approved by the department, in consultation with the state advisory board of plumbers. It covers the cost of providing training courses required for the medical gas piping system installer endorsement. **This fee is not paid to the department.**

****** If more than 90 days the applicant must reapply and pay the applicable fees.

(2) If your birth year is:

(a) In an even-numbered year, your certificate will expire on your birthdate in the next even-numbered year.

(b) In an odd-numbered year, your certificate will expire on your birthdate in the next odd-numbered year.

[Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 70.87.030, 18.106.070, 18.106.125, 2001 c 7, and chapters 18.106, 43.22, and 70.87 RCW. 03-12-045, § 296-400A-045, filed 5/30/03, effective 6/30/03. Statutory Authority: RCW 18.106.040, 18.106.140, 2001 c 281, and chapter 18.106 RCW. 02-14-074, § 296-400A-045, filed 6/28/02, effective 7/1/02. Statutory Authority: RCW 18.106.125. 99-07-101, § 296-400A-045, filed 3/23/99, effective 4/23/99. Statutory Authority: Chapter 18.106 RCW. 98-13-126, § 296-400A-045, filed 6/17/98, effective 7/20/98. Statutory Authority: Chapters 18.106, 18.27 and 43.22 RCW. 98-12-041, § 296-400A-045, filed 5/29/98, effective 6/30/98. Statutory Authority: RCW 18.106.050, [18.106.]070, [18.106.]110, [18.106.]125, [18.106.]140 and [18.106.]270. 97-11-052, § 296-400A-045, filed 5/20/97, effective 6/30/97.]

Chapter 296-401B WAC

CERTIFICATION OF COMPETENCY FOR JOURNEYMAN ELECTRICIANS

WAC

296-401B-092 through 296-401B-990 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-401B-092 General definitions. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-092, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-100 Certificate of competency required. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-100, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-110 Original journeyman and specialty electrician certificates of competency. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-110, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-120 Linemen exemptions. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-120, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-130 Renewal of journeyman and specialty electrician certificates of competency. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-130, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161,

19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-140 Late renewal of journeyman and specialty electrician certificates of competency. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-140, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-180 Inactive status. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-180, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-200 Qualifying for an electrician temporary permit to work in Washington when certified in another state. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-200, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-250 Reciprocal agreements between Washington and other states. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-250, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-260 Qualifying for a reciprocal electrician certificate. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-260, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-270 Ineligibility for reciprocal electrician certificate. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-270, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-300 Training certificate required. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-300, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-310 Ineligibility for electrical training certificates. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-310, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-320 Training certificate levels. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-320, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-330 Renewal of training certificates. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-330, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-335 Credit for electrical work experience exempt from certification requirements. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-335, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-340 Trainees working without supervision. [Statutory Authority: RCW 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, and chapter 19.28 RCW. 02-21-104, § 296-401B-340, filed 10/22/02, effective 11/22/02. Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-340, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-350 Audit of trainee hours. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-350, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-410 Qualifying for the journeyman electrician competency examination. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-410, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-420 Qualifying for the journeyman electrician competency examination when work was performed in another state when certified. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-420, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-430 Qualifying for the journeyman electrician competency examination when work was performed in another jurisdiction when not certified. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-430, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-440 Experience in another country. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-440, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-445 Military experience. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-445, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-450 Qualifying for the specialty electrician competency examination. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-450, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-455 Opportunity for gaining credit for previous work experience in certain specialties. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-455, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-460 Qualifying for the specialty electrician competency examination when work was performed in another state when certified. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-460, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-470 Qualifying for the specialty electrician competency examination when work was performed in another jurisdiction when not certified. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-470, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-475 Experience in another country. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-475, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-476 Military experience. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-476, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-500 Failing a competency examination. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-500, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-510 Subjects included in the journeyman electrician competency examinations. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-510, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-520 Subjects included in the specialty electrician competency examinations. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-520, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-600 Continuing education course approval. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-600, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-610 Offering continuing education courses. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-610, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-620 Application for continuing education course approval. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-620, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-630 Electrician documentation of Washington approved training course completion. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-630, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-640 Electrician documentation of out-of-state approved training course completion. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-640, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-700 Fees for certificates of competency, examination and reciprocity. [Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.040, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 7, 2002 c 249, and chapters 19.28, 43.22, 18.27, and 70.87 RCW. 02-12-022, § 296-401B-700, filed 5/28/02, effective 6/28/02. Statutory Authority: RCW 43.22.350, 43.22.434, 43.22.480, 43.22.500, 18.27.070, 18.27.075, 70.87.030, 19.28.041, 19.28.051, 19.28.101, 19.28.121, 19.28.161, 19.28.201, 19.28.211, 19.28.341, 2001 c 159, and chapters 43.22, 19.28, 18.27, and 70.87 RCW. 01-12-035, § 296-401B-700, filed 5/29/01, effective 6/29/01. Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-700, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-800 Penalties for false statements or material misrepresentations. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-800, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-850 Revocation or suspension of a certificate of competency or training certificate. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-850, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-860 Revocation of an electrician temporary permit. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-860, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-870 Confiscation of a certificate of competency, an electrician temporary permit, or training certificate. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-870, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-900 Enforcement. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-900, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-910 Failure to comply with electrician certification law. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chap-

ter 19.28 RCW. 01-01-097, § 296-401B-910, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-920 Special enforcement procedures. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-920, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-950 Appeal rights. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-950, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-960 Types of appeals. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-960, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-970 Appeal procedures. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-970, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-980 Department conferences. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-980, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-401B-990 General. [Statutory Authority: RCW 19.28.031, 19.28.551, 19.28.010, 19.28.101, 19.28.171, 19.28.191, 19.28.251, 19.28.470, 19.28.490, 67.42.050, 2000 c 238, and chapter 19.28 RCW. 01-01-097, § 296-401B-990, filed 12/15/00, effective 1/18/01.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

WAC 296-401B-092 through 296-401B-990 Repealed. See Disposition Table at beginning of this chapter.

Chapter 296-402A WAC

ELECTRICAL EVALUATION/CERTIFICATION LABORATORY ACCREDITATION

WAC

296-402A-010 through 296-402A-690 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-402A-010 What is the statutory authority for this chapter? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-010, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-020 What is the scope and purpose of this chapter? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-020, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-030 Definitions. [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-030, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-040 When is an electrical product considered safe? [Statutory Authority: RCW 19.28.010, 19.28.031, 19.28.061, 19.28.101, 19.28.171, 19.28.191, 19.28.201, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 67.42.020, 67.42.025, 67.42.050, and chapters 19.28 and 67.42 RCW. 02-21-103, § 296-402A-040, filed 10/22/02, effective 11/22/02. Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-040, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-050 Where do I obtain the forms and procedures for submitting an application for accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-050, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-060 What is the period of accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-060, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321,

19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-070 Is an on-site inspection of a laboratory requesting initial accreditation or renewal required? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-070, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-080 When can the on-site inspection be waived? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-080, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-090 Who pays for the on-site inspection? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-090, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-100 Do NRTL recognized laboratories have to apply for accreditation with the department? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-100, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-110 What fees are involved in receiving or renewing accreditation by the state of Washington? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-110, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-130 When does a laboratory need to apply for renewal of accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-130, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-140 Who determines the adequacy of a laboratory for accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-140, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-150 Is continued accreditation subject to review by the department? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-150, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-160 What conditions are required to obtain and maintain accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-160, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-170 How is notification of accreditation results made? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-170, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-180 What categories of electrical products can the laboratory certify or evaluate after accreditation is obtained? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-180, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-190 Is electrical product acceptance in each category all-inclusive? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-190, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-200 What happens if the laboratory fails to comply with the requirements for accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-200, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-210 Can the department suspend or revoke the accreditation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-210, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-220 Must the department provide written notice of intent to suspend, revoke or refusal to renew? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-220, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-230 What must the laboratory do if department accreditation is suspended, revoked, or not renewed? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-230, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effec-

tive 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-240 Is there an opportunity to confer with the department after notice of intent to suspend, revoke, or refusal to renew? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-240, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-250 Can a laboratory appeal a decision of the department? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-250, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-260 Who may appeal and what is the time allowed to enter an appeal? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-260, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-270 What is the procedure for appealing a decision of the department? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-270, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-290 How is a formal appeal made? [Statutory Authority: RCW 19.28.060 and Chapter 19.28 RCW. 00-11-115, § 296-402A-290, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-300 Where is other appeal information located? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-300, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-310 What type of business organization is required of the laboratory? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-310, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-320 What professional business practices must the laboratory meet? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-320, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-330 Must the laboratory notify the department of any business changes? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-330, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-340 What is a certification or evaluation program plan? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-340, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-350 What quality control requirements must the laboratory meet? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-350, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-360 What personnel requirements must the laboratory meet? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-360, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-370 What type of records must the laboratory maintain? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-370, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-380 Is the laboratory required to make records available to the department? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-380, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-390 What must be included in certification reports? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-390, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-400 What does the evaluation report include? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-400, filed 5/19/00, effective

6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-410 Who gets a copy of the evaluation report and what format must be used to submit the report? [Statutory Authority: RCW 19.28.010, 19.28.031, 19.28.061, 19.28.101, 19.28.171, 19.28.191, 19.28.201, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 67.42.020, 67.42.025, 67.42.050, and chapters 19.28 and 67.42 RCW. 02-21-103, § 296-402A-410, filed 10/22/02, effective 11/22/02. Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-410, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-430 How does the laboratory verify maintenance and calibration of facilities and/or equipment? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-430, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-440 Must standards documents be available for use by laboratory personnel? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-440, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-450 What standards may be used for electrical product certification or evaluation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-450, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-460 What product safety standards are approved by the department? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-460, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-470 Are any product safety standards automatically accepted? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-470, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-480 What is required if the product safety standard is not ANSI? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-480, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-490 What if there is no product safety standard that meets the criteria for department approval? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-490, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-500 What must the electrical product certification program contain? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-500, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-510 Must all components of certified electrical products be certified for safety? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-510, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-520 Is there a directory listing authorized products? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-520, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-530 What must be included in a laboratory certification agreement with a manufacturer? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-530, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-540 Who owns the certification mark? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-540, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-550 Do certification marks need to be registered? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-550, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-560 Are there other requirements regarding the certification mark? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-560, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111,

filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-570 When can a certification mark be applied to the product? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-570, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-580 Must the laboratory require assurance or follow-up with the manufacturer to verify continued product acceptability? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-580, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-590 What must be in the follow-up inspection file? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-590, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-600 What follow-up procedures and activities are required? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-600, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-610 What is the required frequency of follow-up inspections? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-610, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-620 What products can a field evaluation laboratory evaluate? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-620, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-630 Must an evaluation laboratory apply to perform each field evaluation? [Statutory Authority: RCW 19.28.010, 19.28.031, 19.28.061, 19.28.101, 19.28.171, 19.28.191, 19.28.201, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 67.42.020, 67.42.025, 67.42.050, and chapters 19.28 and 67.42 RCW. 02-21-103, § 296-402A-630, filed 10/22/02, effective 11/22/02. Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-630, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-640 What must be included in the scope of a field evaluation? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-640, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-650 When there is more than one unit of a product, does each product unit need to be evaluated? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-650, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-660 Can field evaluations be performed in the manufacturer's facility? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-660, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-670 When can the field evaluation mark be applied to the product? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-670, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-675 Must the laboratory maintain control of field evaluation marks? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-675, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-680 Can a product marked with a field evaluation mark be relocated or supplied from a different power source? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-680, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

296-402A-690 Are there other requirements regarding the field evaluation mark? [Statutory Authority: RCW 19.28.060 and chapter 19.28 RCW. 00-11-115, § 296-402A-690, filed 5/19/00, effective 6/30/00.] Repealed by 03-09-111, filed 4/22/03, effective 5/23/03. Statutory Authority: RCW 19.28.006, 19.28.010, 19.28.031, 19.28.041, 19.28.061, 19.28.101, 19.28.131, 19.28.161, 19.28.171, 19.28.191, 19.28.201, 19.28.211, 19.28.241, 19.28.251, 19.28.271, 19.28.311, 19.28.321, 19.28.400, 19.28.420, 19.28.490, 19.28.551, 2002 c 249, chapters 34.05 and 19.28 RCW.

WAC 296-402A-010 through 296-402A-690 Repealed. See Disposition Table at beginning of this chapter.

Chapter 296-800 WAC
SAFETY AND HEALTH CORE RULES

WAC

296-800-110 Employer responsibilities: Safe workplace—Summary.
296-800-11030 Prohibit employees from using tools and equipment that are not safe.
296-800-15005 Make sure that first-aid trained personnel are available to provide quick and effective first aid.
296-800-170 Employer chemical hazard communication—Introduction.
296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.
296-800-17007 Include multiemployer workplaces in your program if necessary.
296-800-17015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.
296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees and NIOSH.
296-800-230 Summary.
296-800-23005 Provide safe drinking (potable) water in your workplace.
296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).
296-800-23020 Provide bathrooms for your employees.
296-800-23025 Provide convenient and clean washing facilities.
296-800-23030 Repealed.
296-800-23035 Repealed.
296-800-23040 Make sure eating areas are safe and healthy.
296-800-23045 Follow these requirements if you provide food service to your employees.
296-800-23050 Dispose of garbage and waste safely.
296-800-23055 Remove garbage and waste in a way that does not create a health hazard.
296-800-23060 Provide a separate lunchroom if employees are exposed to toxic substances if they are allowed to eat and drink on the job site.
296-800-23065 Provide showers when required for employees working with chemicals.
296-800-23070 Provide change rooms when required.
296-800-23075 Make sure any work clothes you provide are dry.
296-800-31050 Mark exits adequately.
296-800-350 Introduction.
296-800-35038 Minimum and maximum adjusted base penalty amounts.
296-800-35040 Reasons for increasing civil penalty amounts.
296-800-35062 WISHA's response to your request for more time.
296-800-35064 A hearing can be requested about the department's response.
296-800-370 Definitions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-800-23030 Keep containers used for garbage or waste in a sanitary condition. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-23030, filed 5/9/01, effective 9/1/01.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-800-23050.

296-800-23035 Remove garbage and waste in a way that does not create a health hazard. [Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-23035, filed 5/9/01, effective 9/1/01.] Repealed by 03-18-090, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. Later promulgation, see WAC 296-800-23055.

WAC 296-800-110 Employer responsibilities: Safe workplace—Summary.

Your responsibility:

To provide a safe and healthy workplace free from recognized hazards.

IMPORTANT:

Use these rules where there are no specific rules applicable to the particular hazard.

You must:

Provide a workplace free from recognized hazards.

WAC 296-800-11005.

Provide and use means to make your workplace safe.

WAC 296-800-11010.

Prohibit employees from entering, or being in, any workplace that is not safe.

WAC 296-800-11015.

Construct your workplace so it is safe.

WAC 296-800-11020.

Prohibit alcohol and narcotics from your workplace.

WAC 296-800-11025.

Prohibit employees from using tools and equipment that are not safe.

WAC 296-800-11030.

Establish, supervise, and enforce rules that lead to a safe and healthy work environment that are effective in practice.

WAC 296-800-11035.

Control chemical agents.

WAC 296-800-11040.

Protect employees from biological agents.

WAC 296-800-11045.

Note: Employees may discuss and participate in any WISHA safety and health related practice and may refuse to perform dangerous tasks without fear of discrimination. Discrimination includes: Dismissal, demotion, loss of seniority, denial of a promotion, harassment, etc. See chapter 296-360 WAC, Discrimination pursuant to RCW 49.17.160, for a complete description of discrimination and the department's responsibility to protect employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-110, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-110, filed 8/1/02, effective 10/1/02; 01-23-060, § 296-800-110, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-110, filed 5/9/01, effective 9/1/01.]

WAC 296-800-11030 Prohibit employees from using tools and equipment that are not safe.

You must:

• Take responsibility for the safe condition of tools and equipment used by employees.

Note: This applies to all equipment, materials, tools, and machinery whether owned by the employer or another firm or individual.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-11030, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-11030, filed 5/9/01, effective 9/1/01.]

WAC 296-800-15005 Make sure that first-aid trained personnel are available to provide quick and effective first aid.

You must:

• Choose one of the following two options to make sure that your employees have access to personnel who are trained in first aid.

Option 1:

Make sure first-aid trained employees are in your workplace to help your employees if they become hurt or ill on the job by doing the following:

– Make sure that:

?Each person in charge of employees has first-aid training; or

? Another person with first-aid training is present or available to your employees, whenever you have 2 or more employees present.

– Adequately post emergency telephone numbers in your workplace.

OR

Option 2:

Develop and maintain a written first-aid response plan for your workplace. If you choose this option, you must do **all** of the following:

– Determine how many, if any, employees should be trained in first aid, based on the following factors:

? What type(s) of occupational hazards are present in your workplace?

?How likely is it that a workplace injury or illness will occur?

?How serious are the occupational hazards in your workplace?

?How remote is your workplace?

?How complex is your worksite in terms of size, design, etc.?

?What medical emergencies have occurred at your workplace in the past?

?How far away and how long does it take to get to emergency medical services?

Note: Employers who require their employees to provide first aid must comply with chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

You must:

• Make sure your first-aid response plan:

– Fits your work location, type of work, and environmental conditions.

– Identifies the available emergency medical services and access numbers and where they are posted.

– Describes the type of first-aid training employees receive, if applicable.

– Identifies the location(s) of first-aid supplies and/or first-aid stations.

– Identifies the contents of first-aid kits.

– Describes how first-aid supplies or kits will be inspected and maintained.

– Describes how injured or ill employees will have access to first-aid trained employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-800-15005, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-15005, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-15005, filed 5/9/01, effective 9/1/01.]

WAC 296-800-170 Employer chemical hazard communication—Introduction.

IMPORTANT:

Thousands of chemicals can be found in today's workplaces. These chemicals may have the capacity to cause health problems, from minor skin irritations to serious injuries or diseases like cancer. You should review the type of chemicals you use and consider using less hazardous chemicals (such as less toxic and nonflammable chemicals).

The Employer Chemical Hazard Communication rule was developed to make sure employers and employees are informed about chemical hazards in the workplace.

This rule applies to:

• Employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

• Contractors or subcontractors that work for employers engaged in businesses where chemicals are used, distributed, or produced for use or distribution.

Exemptions: • Certain products, chemicals, or items are exempt from this rule. Below is a summarized list of these exemptions. See WAC 296-800-17055 at the end of this rule to get complete information about these exemptions:

– Any hazardous waste or substance

– Tobacco or tobacco products

– Wood or wood products that are not chemically treated and will not be processed, for example, by sawing and sanding

– Food or alcoholic beverages

– Some drugs, such as retail or prescription medications

– Retail cosmetics

– Ionizing and nonionizing radiation

– Biological hazards

– Any consumer product or hazardous substance when workplace exposure is the same as that of a consumer

? Retail products used in offices in the same manner and frequency used by consumers can be termed "consumer products", and include things such as: Correction fluid, glass cleaner, and dishwashing liquid.

Example: If you use a household cleaner in your workplace in the same manner and frequency that a consumer would use it when cleaning their house, your exposure should be the same as the consumer's, you are exempt. A janitor using a household cleaner, such as bleach, throughout the day, is not considered to be a consumer, and is not exempt.

– Manufactured items that remain intact are exempt from this rule.

– Manufactured items that are fluids or in the form of particles are not exempt from this rule.

The following are examples:

Item	Covered by this rule	Not covered by this rule
Brick	Sawed or cut in half	Used whole or intact
Pipe	Cut by a torch	Bent with a tube bender
Nylon Rope	Burning the ends	Tying a knot

Reference: • If you produce, import, distribute and/or repackage chemicals, or choose not to rely on labels or material safety data sheets provided by the manufacturer or importer, you must comply with chemical hazard communication for manufacturers, importers and distributers, WAC 296-62-054.

• You may withhold trade secret information under certain circumstances. See trade secrets, WAC 296-62-053, to find out what information may be withheld as a trade secret and what information must be released.

Your responsibility:

To inform and train your employees about the hazards of chemicals they may be exposed to during normal working conditions, or in foreseeable emergencies by:

• Making a list of the hazardous chemicals present in your workplace

• Preparing a written Chemical Hazard Communication Program for your workplace

• Informing your employees about this rule and your program

• Providing training to your employees about working in the presence of hazardous chemicals

• Getting and keeping the material safety data sheets (MSDSs) for the hazardous chemicals

• Making sure that labels on containers of hazardous chemicals are in place and easy to read.

You must:

Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

WAC 296-800-17005.

Include multiemployer workplaces in your program if necessary.

WAC 296-800-17007.

Identify and list all the hazardous chemicals present in your workplace.

WAC 296-800-17010.

Obtain and maintain material safety data sheets (MSDS) for each hazardous chemical used.

WAC 296-800-17015.

Make sure that material safety data sheets (MSDS) are readily accessible to your employees and NIOSH.

WAC 296-800-17020.

Label containers holding hazardous chemicals.

WAC 296-800-17025.

Inform and train your employees about hazardous chemicals in your workplace.

WAC 296-800-17030.

Follow these rules for laboratories using hazardous chemicals.

WAC 296-800-17035.

Follow these rules for handling chemicals in factory sealed containers.

WAC 296-800-17040.

The department must:

Translate certain chemical hazard communication documents upon request.

WAC 296-800-17045.

Attempt to obtain a material safety data sheet (MSDS) upon request.

WAC 296-800-17050.

Exemption:

Items or chemicals exempt from the rule, and exemptions from labeling.

WAC 296-800-17055.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-170, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-170, filed 8/1/02, effective 10/1/02; 01-23-060, § 296-800-170, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-170, filed 5/9/01, effective 9/1/01.]

WAC 296-800-17005 Develop, implement, maintain, and make available a written Chemical Hazard Communication Program.

You must:

• Develop, implement, maintain, and make available a written Chemical Hazard Communication Program specific to your workplace. The Chemical Hazard Communication Program must, at a minimum, include:

– A list of hazardous chemicals known to be present in your workplace.

– Procedures for making sure all containers are properly labeled.

– A description of how you are going to obtain and maintain your material safety data sheets (MSDSs).

– A description of how you are going to train and inform your employees about hazardous chemicals in their workplace.

– A description of how you are going to inform your employees about:

?Chemical hazards used during nonroutine tasks.

? The hazards associated with chemicals contained in unlabeled pipes in employee work areas.

You must:

• Make your Chemical Hazard Communication Program available to your employees.

Note:
- You must make the written Chemical Hazard Communication Program available, upon request, to employees, their designated representatives, the department and NIOSH, in accordance with the requirements of Access to records, WAC 296-62-052.
- Where employees must travel between workplaces during a workshift, that is, if their work is carried out at more than one geographical location, the written Chemical Hazard Communication Program may be kept at the primary workplace facility.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-17005, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-17005, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-17005, filed 5/9/01, effective 9/1/01.]

WAC 296-800-17007 Include multiemployer workplaces in your program if necessary.

IMPORTANT:

• Sharing chemical hazard information at multiemployer workplaces is required for the success of your hazard communication program and the success of other employers' programs.

• This section applies to a site where you or your employees work if:

– Your employees may be exposed to hazardous chemicals used by another employer;

OR

– Another employer's employees may be exposed to hazardous chemicals you or your employees use.

Examples include employees of construction companies, cleaning services, or maintenance contractors visiting or working on-site.

You must:

• Include, in your written Chemical Hazard Communication Program, the methods you will use to share the following hazard information with other employers when their employees share a workplace with you and are potentially exposed to chemicals you produce, use, or store:

– How you will provide other employers with a copy of the relevant material safety data sheets (MSDSs), or provide access to the MSDSs in a specified location.

– How you will inform the other employers of any precautionary measures needed to protect employees during normal operating conditions and in foreseeable emergencies.

– A description of how you will inform other employers of the labeling system you use.

Note: You may rely on another employer's Chemical Hazard Communication Program to share the information required if the program meets the requirements of this rule.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-17007, filed 9/2/03, effective 11/1/03.]

WAC 296-800-17015 Obtain and maintain material safety data sheets (MSDSs) for each hazardous chemical used.

Note: MSDSs are a type of employee exposure record. Therefore, you must comply with the material safety data sheets (MSDSs) as exposure records, WAC 296-800-180, located in this book.

You must:

• Obtain a MSDS for each hazardous chemical used as soon as possible if the MSDS is not provided with the shipment of a hazardous chemical, from the chemical manufacturer or importer.

Note:
- To obtain a MSDS, you may try calling the manufacturer or checking their website.
- If you have a commercial account with a retailer or wholesaler, you have the right to request and receive a MSDS about hazardous chemicals you purchase.
- If a chemical is purchased from a retailer with no commercial accounts, you have the right to request and receive the manufacturer's name and address so that you can contact them and request a MSDS for the chemical.
- Whoever prepares the MSDS is required to mark all blocks on the form, even if there is no relevant information for that section.
- If you have problems getting a MSDS within 30 calendar days after making a written request to the chemical manufacturer, importer, or distributor, you can get help from WISHA. You may contact your local regional office for assistance or make a written request for assistance to the:
  Department of Labor and Industries
  Right-to-Know Program
  P.O. Box 44610
  Olympia, Washington 98504-4610.
  Include in your request:
  – A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor.
  – The name of the product suspected of containing a hazardous chemical.
  – The identification number of the product, if available.
  – A copy of the product label, if available.
  – The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

You must:

• Maintain a MSDS for each hazardous chemical:

– Keep copies of the required MSDSs for each hazardous chemical present in your workplace.

– Each MSDS must be in English. You may also keep copies in other languages.

Reference: See material safety data sheets and label preparation, chapter 296-839 WAC, if you choose to create your own MSDS or label.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-17015, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-17015, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-17015, filed 5/9/01, effective 9/1/01.]

WAC 296-800-17020 Make sure material safety data sheets (MSDSs) are readily accessible to your employees and NIOSH.

You must:

• Make sure that MSDSs are readily accessible, easily obtained without delay during each work shift by employees when they are in their work area(s).

• Make sure that employees, who must travel between workplaces during a work shift, such as when their work is carried out at more than one geographical location, can immediately obtain the required MSDS information in an emergency. (MSDSs may be kept at a central location at the primary workplace facility and accessed by means such as voice communication or laptop computer.)

Note:
- Electronic access (such as computer or fax), microfiche, and other alternatives to maintaining paper copies of the MSDSs are permitted as long as they do not create barriers to immediate employee access in each workplace.
- Barriers to immediate access of electronic MSDSs may include:
  – Power outages
  – Equipment failure
  – System delays
  – Deficient user knowledge to operate equipment
  – Location of equipment outside the work area.
  Solutions to eliminating these and other possible barriers to access may require the availability of back-up systems, employee training, and providing access equipment in the work areas.

You must:

• Make MSDSs readily available, when requested, to representatives of the National Institute for Occupational Safety and Health (NIOSH).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-17020, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-17020, filed 8/1/02, effective 10/1/02; 01-23-060, § 296-800-17020, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-17020, filed 5/9/01, effective 9/1/01.]

WAC 296-800-230 Summary.

Your responsibility:

To provide safe drinking (potable) water, bathrooms, washing facilities, eating areas and garbage and waste disposal in your workplace.

You must:

General requirements for all workplaces.

Drinking water

Provide safe drinking (potable) water in your workplace.

WAC 296-800-23005.

Clearly mark water outlets that are not fit for drinking (nonpotable).

WAC 296-800-23010.

Make sure systems delivering not fit for drinking (nonpotable) water prevent backflow into drinking water systems.

WAC 296-800-23015.

Bathrooms and washing facilities

Provide bathrooms for your employees.

WAC 296-800-23020.

Provide convenient, clean washing facilities.

WAC 296-800-23025.

Eating areas and food service

Make sure eating areas are safe and healthy.

WAC 296-800-23040.

Follow these requirements if you provide food service to your employees.

WAC 296-800-23045.

Garbage and waste disposal

Dispose of garbage and waste safely.

WAC 296-800-23050.

Remove garbage and waste in a way that does not create a health hazard.

WAC 296-800-23055.

Lunchrooms and personal service rooms

Provide a separate lunchroom if employees are exposed to toxic substances if they are allowed to eat and drink on the job site.

WAC 296-800-23060.

Provide showers when required for employees working with chemicals.

WAC 296-800-23065.

Provide change rooms when required.

WAC 296-800-23070.

Make sure any work clothes you provide are dry.

WAC 296-800-23075.

Note: Some industries may have additional rules on bathrooms and washing facilities. Some examples include:

Industry	WAC
Agriculture; indoor sanitation and temporary labor camps	chapter 296-307 WAC
Carcinogens; general regulated area requirements	WAC 296-62-07308
Charter boats	WAC 296-115-050
Compressed air work	WAC 296-36-160(5)
Construction	WAC 296-155-140
Temporary labor camps	WAC 296-24-12507

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-230, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-230, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-230, filed 5/9/01, effective 9/1/01.]

WAC 296-800-23005 Provide safe drinking (potable) water in your workplace.

You must:

(1) Provide safe drinking (potable) water for employees for:

- Washing themselves
- Personal service rooms
- Cooking
- Washing premises where food is prepared or processed
- Washing food, eating utensils, or clothing

(2) Make sure when providing movable or portable drinking water dispensers that they are:

- Capable of being closed
- Kept in sanitary condition
- Equipped with a tap

(3) Prohibit employees from:

- Using shared drinking cups or utensils.
- Using open containers such as barrels, pails, and tanks that require employees to dip or pour drinking water, even if the containers have covers.

Definition:

- Potable water is water that you can safely drink that meets specific safety standards prescribed by the United States Environmental Protection Agency's *National Interim Primary Drinking Water Regulations*, published in 40 CFR Part 141, and 40 CFR 147.2400.
- Personal service rooms are used for activities not directly connected with a business' production or service function such as first aid, medical services, dressing, showering, bathrooms, washing and eating.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-23005, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-23005, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-23005, filed 5/9/01, effective 9/1/01.]

WAC 296-800-23010 Clearly mark the water outlets that are not fit for drinking (nonpotable).

You must:

(1) Mark water outlets that are not fit for drinking (nonpotable), such as those used for industrial processes or fire fighting, so they will not be used for:

- Drinking
- Washing themselves, except in emergencies
- Cooking
- Washing food, eating utensils, or clothing.

(2) Prohibit the use of nonpotable water containing substances that could create unsafe conditions such as:

- Concentrations of chemicals, such as lead or chlorine
- Fecal coliform bacteria.

Note: As long as the nonpotable water is free of substances that could create unsafe conditions, the water can be used for cleaning both:
– Work premises used for activities other than food preparation or processing
AND
– Personal service rooms, such as bathrooms.

Reference: You may need to follow additional requirements for emergency washing facilities. See WAC 296-800-150 First aid, for more information.

Place illustration here.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-23010, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-23010, filed 8/1/02, effective 10/1/02; 01-23-060, § 296-800-23010, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-23010, filed 5/9/01, effective 9/1/01.]

WAC 296-800-23020 Provide bathrooms for your employees.

Exemption: You do not have to provide bathrooms:
For mobile crews or at work locations not normally attended by employees, if there is transportation immediately available to nearby bathrooms that meet the requirements of this section.

Exemption: You do not have to provide bathrooms:
For mobile crews or at work locations not normally attended by employees, if there is transportation immediately available to nearby bathrooms that meet the requirements of this section.

You must:

(1) Provide bathrooms with the appropriate number of toilets for your employees at every workplace based on Table 1.

- Have an appropriate number of toilets for each gender, based on the number of male and female employees at your workplace.

– For example, if you have thirty-seven men and seventeen women, you need to have three toilets for the men and two toilets for the women, based on Table 1.

• Make sure each toilet is in a separate compartment with a door and walls or partitions for privacy.

Table 1
Required Number of Employee Toilets at Every Workplace

Maximum Number of Employees Present at Any One Time During a Shift	Minimum Number of Toilets Required
1 to 15	1
16 to 35	2
36 to 55	3
56 to 80	4
81 to 110	5
111 to 150	6
Over 150	One additional toilet for each additional 40 employees

Note: A shared bathroom (multiple toilets without enclosures) counts as one toilet no matter how many toilets it contains. In bathrooms used only by men, urinals may be substituted for up to 1/3 of the required toilets.

You must:

(2) Provide toilet paper and a toilet paper roll holder for each toilet.

(3) Make sure bathrooms are maintained in a clean and sanitary condition.

(4) Make sure the sewage disposal method does not endanger the health of employees.

Exemption: Separate bathrooms for men and women are not required if the bathroom:
• Will only be occupied by one person at a time.
• Can be locked from the inside.
• Contains at least one toilet.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-23020, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-23020, filed 8/1/02, effective 10/1/02; 01-11-038, § 296-800-23020, filed 5/9/01, effective 9/1/01.]

WAC 296-800-23025 Provide convenient and clean washing facilities.

Exemption: You do **not** have to provide washing facilities for:
• Mobile crews or work locations not normally attended by employees, if there is immediately available transportation to nearby washing facilities that meet the requirements of this rule.

You must:

• Provide convenient and clean washing facilities for employees including:

– Sinks or basins for personal washing

– Hot and cold water, or lukewarm (tepid), running water in each sink and basin

– Hand soap or similar cleaning agents

– One of the following:

• Individual paper or cloth hand towels

• Individual sections of clean continuous cloth toweling

• Warm air blowers for drying hands, located near the sinks and basins.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-23025, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-23025, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-23025, filed 5/9/01, effective 9/1/01.]

WAC 296-800-23030 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-800-23035 Repealed. See Disposition Table at beginning of this chapter.

WAC 296-800-23040 Make sure eating areas are safe and healthy.

You must:

(1) Make sure employees are not allowed to eat and drink in:

• Bathrooms.

• Areas exposed to toxic substances.

(2) Make sure food is not stored in bathrooms or areas exposed to toxic substances.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-23040, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23045 Follow these requirements if you provide food service to your employees.

You must:

• Make sure all food service facilities and operations you make available follow sound hygiene principles.

• Make sure the food is:

– Unspoiled.

– Protected from contamination during processing, preparation, handling, and storage.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-23045, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23050 Dispose of garbage and waste safely.

You must:

(1) Make sure garbage containers are:

• Kept in a clean and sanitary condition.

• Made from smooth, corrosion resistant materials.

• Easily cleaned or are disposable.

• Equipped with a solid tight-fitting cover unless you can keep them in a sanitary condition without a cover.

(2) Provide enough garbage containers to make sure they:

• Are conveniently located to encourage their use.

• Won't be overfilled.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-23050, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23055 Remove garbage and waste in a way that does not create a health hazard.

You must:

• Remove all sweepings, solid and liquid wastes, refuse, and garbage as often as needed to keep the workplace in a sanitary condition.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-23055, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23060 Provide a separate lunchroom if employees are exposed to toxic substances if they are allowed to eat and drink on the job site.

You must:

(1) Provide a lunchroom separate from the work area if employees are exposed to toxic substances.

(2) Use Table 2 to determine the required square footage in your lunchroom based on the number of employees using the room at any one time.

Table 2
Maximum Number of Employees Using Lunchroom at One Time

Number of Persons	Square Feet per Person
25 and less	13
26-74	12
75-149	11
150 and over	10

Note: You do not have to provide a separate lunchroom if it is convenient for employees to leave the workplace to eat and drink.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-23060, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23065 Provide showers when required for employees working with chemicals.

You must:

• Provide showers for employees if:

– They work with chemicals that could cause an occupational illness;

AND

– The chemicals remain on the skin between work shifts.

• Make sure employees who work with such chemicals shower at the end of their shifts.

– Make sure showers have:

• Soap or other cleansing agents.

• Hot and cold water with a common discharge line.

– Provide individual, clean towels for each employee who is required to shower.

• Provide at least one shower for every ten employees (or every fraction of 10) of each gender.

Note: Table 3 shows the number of showers to provide based on a "fraction of 10."

Table 3

Number of Employees of Each Gender	Number of Showers
1-10	1
11-20	2
21-30	3
31-40	4
41-50	5

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-23065, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23070 Provide change rooms when required.

You must:

• Provide change rooms when employees are required by a particular standard to wear protective clothing because of the possibility of contamination with toxic materials.

• Make sure change rooms have separate storage facilities for street clothes and protective clothing.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-23070, filed 9/2/03, effective 11/1/03.]

WAC 296-800-23075 Make sure any work clothes you provide are dry.

You must:

• Make sure when providing work clothes to employees that the clothing provided is dry if the clothing:

– Gets wet during use;

OR

– Is washed before it is reused.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-23075, filed 9/2/03, effective 11/1/03.]

WAC 296-800-31050 Mark exits adequately.

You must:

• Mark each exit with a clearly visible, distinctive sign reading "exit."

• Make sure the letters in the word "EXIT" are at least six inches high and 3/4 inch wide.

• Mark any doorway or passage that might be mistaken for an exit with "not an exit" or with an indication of its actual use.

• Make sure exit signs are a distinctive color.

• Make sure signs are posted and arranged along exit routes to adequately show how to get to the nearest exit and clearly indicate the direction of travel.

• Not obstruct or conceal exit signs in any way.

• Keep exit doors free of signs or decorations that obscure their visibility.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-31050, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-31050, filed 5/9/01, effective 9/1/01.]

WAC 296-800-350 Introduction.

This section describes actions WISHA takes during or after inspections, and your related obligation and rights.

Your responsibility: You must follow posting requirements and notify your employees of the information listed in these rules, as indicated.

You must:

WISHA INSPECTIONS AND CITATIONS

Types of workplace inspections
WAC 296-800-35002 . . . . . .

Scheduling inspections
WAC 296-800-35004 . . . . . .

Inspection techniques
WAC 296-800-35006 . . . . . .

Response to complaints submitted by employees or their representatives
WAC 296-800-35008 . . . . . .

Citations mailed after an inspection
WAC 296-800-35010 . . . . . .

Employees (or their representatives) can request a citation and notice
WAC 296-800-35012 . . . . . .
Posting a citation and notice and employee complaint information
WAC 296-800-35016 . . . . . .

CIVIL PENALTIES FOR VIOLATING WISHA REQUIREMENTS

Reasons to assess civil penalties
WAC 296-800-35018 . . . . . .
Minimum penalties
WAC 296-800-35020 . . . . . .

HOW CIVIL PENALTIES ARE CALCULATED

Base penalty calculations - severity and probability
WAC 296-800-35022 . . . . . .
Severity rate determination
WAC 296-800-35024 . . . . . .
Probability rate determination
WAC 296-800-35026 . . . . . .
Determining the gravity of a violation
WAC 296-800-35028 . . . . . .
Base penalty adjustments
WAC 296-800-35030 . . . . . .
Types of base penalty adjustments
WAC 296-800-35032 . . . . . .
Minimum and maximum adjusted base penalty amounts
WAC 296-800-35038 . . . . . .
Reasons for increasing civil penalty amounts
WAC 296-800-35040 . . . . . .

CERTIFY THAT VIOLATIONS HAVE BEEN ABATED

Employers must certify that violations have been abated
WAC 296-800-35042 . . . . . .
For willful, repeated, or serious violations, submit additional documentation
WAC 296-800-35044 . . . . . .
Submitting correction action plans
WAC 296-800-35046 . . . . . .
Submit progress reports to the department, when required
WAC 296-800-35048 . . . . . .
WISHA determines the date by which abatement documents must be submitted
WAC 296-800-35049 . . . . . .
Inform affected employees and their representatives of abatement actions you have taken
WAC 296-800-35050 . . . . . .
Tag cited moveable equipment to warn employees of a hazard
WAC 296-800-35052 . . . . . .

REQUESTING MORE TIME TO COMPLY

You can request more time to comply
WAC 296-800-35056 . . . . . .
WISHA's response to your request for more time
WAC 296-800-35062 . . . . . .
Post the department's response
WAC 296-800-35063 . . . . . .
A hearing can be requested about the department's response
WAC 296-800-35064 . . . . . .
Post the department's hearing notice
WAC 296-800-35065 . . . . . .
Hearing procedures
WAC 296-800-35066 . . . . . .
Post the hearing decision
WAC 296-800-35072 . . . . . .

REQUESTING AN APPEAL OF WISHA CITATIONS AND CORRECTIVE NOTICES

Employers and employees can request an appeal of a citation and notice
WAC 296-800-35076 . . . . . .
Await the department's response to your appeal request
WAC 296-800-35078 . . . . . .
Department actions when reassuming jurisdiction over an appeal
WAC 296-800-35080 . . . . . .
Appealing a corrective notice
WAC 296-800-35082 . . . . . .
Notify employees
WAC 296-800-35084 . . . . . .

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-350, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-350, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-350, filed 5/9/01, effective 9/1/01.]

WAC 296-800-35038 Minimum and maximum adjusted base penalty amounts.

• The maximum penalty for a violation other than repeat, willful, egregious or failure-to-abate is $7,000.

• The minimum adjusted base penalty for any violation carrying a penalty is $100.00.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-35038, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-11-038, § 296-800-35038, filed 5/9/01, effective 9/1/01.]

WAC 296-800-35040 Reasons for increasing civil penalty amounts.

• WISHA may **increase** civil penalties by applying a multiplier to an adjusted base penalty. Multipliers may be applied for the following reasons:

Repeat violations:

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

• WISHA cites such violations if the final order for the previous citation was dated no more than three years prior to the employer committing the violation being cited.

• The adjusted base penalty will be multiplied by the total number of citations with violations involving similar hazards, including the current inspection.

• The maximum penalty cannot exceed $70,000 for each violation.

Willful violations:

A willful violation is a voluntary action done either with an intentional disregard of, or plain indifference to, the requirements of the applicable WISHA rule(s):

– For all willful violations, the adjusted base penalty will be multiplied by 10

– All willful violations will receive at least the statutory minimum penalty of $5,000

– The maximum penalty cannot exceed $70,000 for each violation

For example: When management is aware that employees are resistant to following specific WAC rule(s); employee resistance results in imminent danger situation or a serious violation; and management fails to make efforts that are effective in practice to overcome the resistance, then WISHA will presume that the failure constitutes voluntary action.

Egregious violations:

An egregious violation may be issued for exceptionally flagrant cases involving willful violations. In these cases, WISHA will issue a separate penalty for each instance of an employer failing to comply with a particular rule

Failure-to-abate violations:

A failure-to-abate violation occurs when an employer who has been cited for a WISHA violation, fails to correct the violation on time (certifying corrected violations is covered in WAC 296-800-35042 through 296-800-35052)

• Based on the facts at the time of reinspection, WISHA will:

– Multiply the adjusted base penalty by a factor of at least 5, but up to 10, based on the employer's effort to comply

– Multiply the adjusted base penalty by the number of calendar days past the correction date.

• The maximum penalty cannot exceed $7,000 per day for every day the violation is not corrected.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-35040, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-35040, filed 8/1/02, effective 10/1/02; 01-23-060, § 296-800-35040, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-35040, filed 5/9/01, effective 9/1/01.]

WAC 296-800-35062 WISHA's response to your request for more time.

• Before making a decision, WISHA may conduct an investigation. Once made, the decision remains in effect unless a hearing is requested by the employee or employee representative.

• Unless you receive a response from the department granting your request for more time, the original abatement date will remain in effect.

Note: Although the department may grant more time to correct hazards at its discretion, an employee can appeal if an extension is granted.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-35062, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-35062, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-35062, filed 5/9/01, effective 9/1/01.]

WAC 296-800-35064 A hearing can be requested about the department's response.

• The affected employees or their authorized representative may request a hearing if they disagree with the department's response to a request for more time to comply.

• All hearing requests must be sent or delivered to the assistant director and be received no later than 10 calendar days after the issue date of the notice.

• Upon receiving a hearing request, the assistant director will issue a notice of hearing to the requesting party and the employer at least 20 days before the hearing date. The hearing notice will:

– state that all interested parties can participate in the hearing

– set the time and date, including:

?The time, place, and nature of the proceeding

? The legal authority and jurisdiction under which the hearing will be held

?A reference to the particular sections of the statute and rules involved, and

? A short and clear explanation why a hearing was requested.

• The employer must post the department's hearing notice or a complete copy until the hearing is held. This includes the:

– Citation containing the correction date for which more time was requested.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-18-090, § 296-800-35064, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 01-23-060, § 296-800-35064, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-35064, filed 5/9/01, effective 9/1/01.]

WAC 296-800-370 Definitions.

Abatement Action Plans

Refers to your written plans for correcting a WISHA violation.

Abatement date

The date on the citation when you must comply with specific safety and health standards listed on the citation and notice of assessment or the corrective notice of redetermination.

Acceptable

As used in **Electrical, WAC 296-800-280** means an installation or equipment is acceptable to the director of labor and industries, and approved:

• If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

• With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section;

OR

• With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his/her authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

Accepted

As used in Electrical, WAC 296-800-280 means an installation is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

Access

As used in material safety data sheets (MSDSs) as Exposure Records, WAC 296-800-180 means the right and opportunity to examine and copy exposure records.

Affected employees

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means employees exposed to hazards identified as violations in a citation.

Analysis using exposure or medical records

• An analysis using exposure records or medical records can be any collection of data or a statistical study. It can be based on either:

– Partial or complete information from individual employee exposure or medical records or

– Information collected from health insurance claim records

• The analysis is not final until it has been:

– Reported to the employer or

– Completed by the person responsible for the analysis

ANSI

This is an acronym for the American National Standards Institute.

Approved means:

• Approved by the director of the department of labor and industries or their authorized representative, or by an organization that is specifically named in a rule, such as Underwriters' Laboratories (UL), Mine Safety and Health Administration (MSHA), or the National Institute for Occupational Safety and Health (NIOSH).

• As used in Electrical, WAC 296-800-280 means acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of acceptable indicates what is acceptable to the director and therefore approved.

Assistant director

The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

ASTM

This is an acronym for American Society for Testing and Materials.

Attachment plug or plug

As used in the basic electrical rules, WAC 296-800-280 means the attachment at the end of a flexible cord or cable that is part of a piece of electrical equipment. When it is inserted into an outlet or receptacle, it connects the conductors supplying electrical power from the outlet to the flexible cable.

Bare conductor

A conductor that does not have any covering or insulation.

Bathroom

A room maintained within or on the premises of any place of employment, containing toilets that flush for use by employees.

Biological agents

Organisms or their by-products.

Board

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means the board of industrial insurance appeals.

Ceiling

An exposure limit that must not be exceeded during any part of the employee's workday. The ceiling must be determined over the shortest time period feasible and should not exceed fifteen minutes.

Certification

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means refers to an employer's written statement describing when and how a citation violation was corrected.

CFR

This is an acronym for Code of Federal Regulations.

Chemical

Any element, chemical compound, or mixture of elements and/or compounds.

Chemical agents (airborne or contact)

A chemical agent is any of the following:

• Airborne chemical agent which is any of the following:

– Dust - solid particles suspended in air, that are created by actions such as:

• Handling.
• Drilling.
• Crushing.
• Grinding.
• Rapid impact.
• Detonation.
• Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

– Fume - solid particles suspended in air, that are created by condensation from the gaseous state.

– Gas - a normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

– Mist - liquid droplets suspended in air. Mist is created by:

• Condensation from the gaseous to the liquid state;

OR

• Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

– Vapor - the gaseous form of a substance that is normally in the solid or liquid state.

• Contact chemical agent which is any of the following:

– Corrosive - a substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

– Irritant - a substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

– Toxicant - a substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Chemical manufacturer

An employer with a workplace where one or more chemicals are produced for use or distribution.

Chemical name

The scientific designation of a chemical in accordance with one of the following:

• The nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC)

• The Chemical Abstracts Service (CAS) rules of nomenclature

• A name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

Circuit breaker

• Is a device used to manually open or close a circuit. This device will also open the circuit automatically and without damage to the breaker when a predetermined overcurrent is applied. (600 volts nominal or less)

• Is a switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit. (Over 600 volts nominal)

Citation

Refers to the citation and notice issued to an employer for any violation of WISHA safety and health rules. A citation and notice may be referred to as a citation and notice of assessment but is more commonly referred to as a citation.

Combustible liquid

A combustible liquid has a flashpoint of at least 100°F (37.8°C) and below 200°F (93.3°C). Mixtures with at least 99% of their components having flashpoints of 200°F (93.3°C) or higher are not considered combustible liquids.

Commercial account

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an arrangement in which a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time, and/or at costs that are below the regular retail price.

Common name

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any designation or identification such as:

• Code name

• Code number

• Trade name

• Brand name

• Generic name used to identify a chemical other than by its chemical name.

Compressed gas

A gas or mixture of gases that, when in a container, has an absolute pressure exceeding:

• 40 psi at 70°F (21.1°C)

OR

• 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C)

Compressed gas can also mean a liquid with a vapor pressure that exceeds 40 psi at 100°F (37.8°C)

Conductor

A wire that transfers electric power.

Container

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any container, except for pipes or piping systems, that contains a hazardous chemical. It can be any of the following:

• Bag

• Barrel

• Bottle

• Box

• Can

• Cylinder

• Drum

• Reaction vessel

• Storage tank

Correction date

The date by which a violation must be corrected. Final orders or extensions that give additional time to make corrections establish correction dates. A correction date established by an order of the board of industrial insurance appeals remains in effect during any court appeal unless the court suspends the date.

Corrective notice

Refers to a notice changing a citation and is issued by the department after a citation has been appealed.

Corrosive

A substance that, upon contact, causes destruction of living tissue by chemical action, including acids with a pH of 2.5 or below or caustics with a pH of 11.0 or above.

Covered conductor

A conductor that is covered by something else besides electrical insulation.

Damp location

As used in basic electrical rules, WAC 296-800-280 means partially protected areas that are exposed to moderate moisture. Outdoor examples include roofed open porches and marquees. Interior examples include basements and barns.

Department

Those portions of the department of labor and industries responsible for enforcing the Washington Industrial Safety Act (WISHA).

Designated representative

• Any individual or organization to which an employee gives written authorization.

• A recognized or certified collective bargaining agent without regard to written authorization.

• The legal representative of a deceased or legally incapacitated employee.

Director

The director means the director of the department of labor and industries or their designee.

Distributor

A business, other than a chemical manufacturer or importer, that supplies hazardous chemicals to other distributors or to employers.

Documentation

As used in WISHA appeals, penalties and other procedural rules, WAC 296-800-350 means material that you submit to prove that a correction is completed. Documentation includes, but is not limited to, photographs, receipts for materials and/or labor.

Dry location

As used in basic electrical rules, WAC 296-800-280 means areas not normally subjected to damp or wet condi-

tions. Dry locations may become temporarily damp or wet, such as when constructing a building.

Dust

Solid particles suspended in air that are created by actions such as:

- Handling.
- Drilling.
- Crushing.
- Grinding.
- Rapid impact.
- Detonation.
- Decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, and grain.

Emergency washing facilities

Emergency washing facilities are emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

Electrical outlets

Places on an electric circuit where power is supplied to equipment through receptacles, sockets, and outlets for attachment plugs.

Employee

Based on chapter 49.17 RCW, the term employee and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise.

Employee exposure record

As used in material safety data sheets (MSDSs) as exposure records, WAC 296-800-180 means a record containing any of the following kinds of information:

- Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;
- Biological monitoring results which directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails, etc.) but not including results which assess the biological effect of a substance or agent or which assess an employee's use of alcohol or drugs;
- Material safety data sheets indicating that the material may pose a hazard to human health;

OR

- In the absence of the above, a chemical inventory or any other record which reveals where and when used and the identity (e.g., chemical, common or trade name) of a toxic substance or harmful physical agent.

Employer

Based on chapter 49.17 RCW, an employer is any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: Provided, That any persons, partnership, or business entity not having employees, and who is covered by the Industrial Insurance Act must be considered both an employer and an employee.

Exit

Provides a way of travel out of the workplace.

Exit route

A continuous and unobstructed path of exit travel from any point within a workplace to safety outside.

Explosive

A chemical that causes a sudden, almost instant release of pressure, gas, and heat when exposed to a sudden shock, pressure, or high temperature.

Exposed live parts

Electrical parts that are:

- Not suitably guarded, isolated, or insulated

AND

- Capable of being accidentally touched or approached closer than a safe distance.

Exposed wiring methods

Involve working with electrical wires that are attached to surfaces or behind panels designed to allow access to the wires.

Exposure or exposed

As used in employer chemical hazard communication, WAC 296-800-170 and material safety data sheets (MSDSs) as exposure records, WAC 296-800-180. An employee has been, or may have possibly been, subjected to a hazardous chemical, toxic substance or harmful physical agent while working. An employee could have been exposed to hazardous chemicals, toxic substances, or harmful physical agents in any of the following ways:

- Inhalation
- Ingestion
- Skin contact
- Absorption
- Related means.

The terms exposure and exposed only cover workplace exposure involving a toxic substance or harmful physical agent in the workplace different from typical nonoccupational situations in the way it is:

- Used
- Handled
- Stored
- Generated
- Present

Exposure record

See definition for employee exposure record.

Extension ladder

A portable ladder with 2 or more sections and is not self-supporting. The 2 or more sections travel in guides or brackets that let you change the length. The size of a portable ladder is determined by adding together the length of each section.

Failure-to-abate

Any violation(s) resulting from not complying with an abatement date.

Final order

Any of the following (unless an employer or other party files a timely appeal):

• Citation and notice;

• Corrective notice;

• Decision and order from the board of industrial insurance appeals;

• Denial of petition for review from the board of industrial insurance appeals; or

• Decision from a Washington State superior court, court of appeals, or the state supreme court.

Final order date

The date a final order is issued.

First aid

The extent of treatment you would expect from a person trained in basic first aid, using supplies from a first-aid kit.

Tests, such as X rays, must not be confused with treatment.

Flammable

A chemical covered by one of the following categories:

• Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields either a flame projection more than 18 inches at full valve opening or a flashback (a flame extending back to the valve) at any degree of valve opening;

• Gas, flammable means:

– A gas that, at temperature and pressure of the surrounding area, forms a flammable mixture with air at a concentration of 13% by volume or less or

– A gas that, at temperature and pressure of the surrounding area, forms a range of flammable mixtures with air wider than 12% by volume, regardless of the lower limit.

• Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up 99% or more of the total volume of the mixture.

• Solid, flammable means a solid, other than a blasting agent or explosive as defined in 29 CFR 1910.109(a), that is likely to cause fire through friction, moisture absorption, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily. Solid, inflammable also means that when the substance is ignited, it burns so powerfully and persistently that it creates a serious hazard. A chemical must be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

Flashpoint

• The minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested by any of the following measurement methods:

– Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS) at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

– Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

– Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78).)

Note: Organic peroxides, which undergo auto accelerating thermal decomposition, are excluded from any of the flashpoint measurement methods specified above.

Flexible cords and cables

Typically used to connect electrical equipment to an outlet or receptacle. These cords can have an attachment plug to connect to a power source or can be permanently wired into the power source. Flexible cords, extension cords, cables and electrical cords are all examples of flexible cord.

Floor hole

An opening in any floor, platform, pavement, or yard that measures at least one inch but less than 12 inches at its smallest dimension and through which materials and tools (but not people) can fall.

Examples of floor holes are:

• Belt holes

• Pipe openings

• Slot openings

Floor opening

An opening in any floor, platform, pavement, or yard that measures at least 12 inches in its smallest dimension and through which a person can fall.

Examples of floor openings are:

• Hatchways

• Stair or ladder openings

• Pits

• Large manholes

The following are NOT considered floor openings:

• Openings occupied by elevators

• Dumbwaiters

• Conveyors

• Machinery

• Containers

Foreseeable emergency

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any potential event that could result in an uncontrolled release of a hazardous chemical into the workplace. Examples of foreseeable emergencies include equipment failure, rupture of containers, or failure of control equipment.

Fume

Solid particles suspended in air that are created by condensation from the gaseous state.

Gas

A normally formless fluid, such as air, which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Ground

As used in Electrical, WAC 296-800-280, a connection between an electrical circuit or equipment and the earth or

other conducting body besides the earth. This connection can be intentional or accidental.

Grounded

A connection has been made between an electrical circuit or equipment and the earth or another conducting body besides the earth.

Grounded conductor

A system or circuit conductor that is intentionally grounded.

Ground-fault circuit-interrupter

A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

Grounding conductor

Is used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

Grounding conductor, equipment

A conductor used to connect noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

Guarded

Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of being accidentally touched or approached closer than a safe distance.

Hand-held drench hoses

Hand-held drench hoses are single-headed emergency washing devices connected to a flexible hose that can be used to irrigate and flush the face or other body parts.

Handrail

A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

Harmful physical agent

Any physical stress such as noise, vibration, repetitive motion, heat, cold, ionizing and nonionizing radiation, and hypo- or hyperbaric pressure which:

• Is listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS); or

• Has shown positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer;

OR

• Is the subject of a material safety data sheet kept by or known to the employer showing that the material may pose a hazard to human health.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Hazard warning

As used in Employer Chemical Hazard Communication, WAC 296-800-170 can be a combination of words, pictures, symbols, or combination appearing on a label or other appropriate form of warning which shows the specific physical and health hazard(s), including target organ effects, of the chemical(s) in the container(s).

Note: See definition for physical hazard and health hazard to determine which hazards must be covered.

Hazardous chemical

Any chemical that is a physical or health hazard.

Health hazard

A chemical, mixture, biological agent, or physical agent that may cause health effects in short- or long-term exposed employees. Based on statistically significant evidence from at least one study conducted using established scientific principles. Health hazards include:

• Carcinogens
• Toxic or highly toxic agents
• Reproductive toxins
• Irritants
• Corrosives
• Sensitizers
• Hepatotoxins (liver toxins)
• Nephrotoxins (kidney toxins)
• Neurotoxins (nervous system toxins)
• Substances that act on the hematopoietic system (blood or blood-forming system)
• Substances that can damage the lungs, skin, eyes, or mucous membranes
• Hot or cold conditions.

Hospitalization

To be sent to, to go to, or be admitted to, a hospital or an equivalent medical facility and receive medical treatment beyond first-aid treatment, regardless of the length of stay in the hospital or medical facility.

Identity

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means any chemical or common name listed on the material safety data sheet (MSDS) for the specific chemical. Each identity used must allow cross-references among the:

• Required list of hazardous chemicals
• Chemical label
• MSDSs

Imminent danger violation

Any violation(s) resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Importer

The first business within the Customs Territory of the USA that:

• Receives hazardous chemicals produced in other countries

AND

• Supplies them to distributors or employers within the USA

Insulated

A conductor has been completely covered by a material that is recognized as electrical insulation and is thick enough based on:

• The amount of voltage involved

AND

• The type of covering material

Interim waiver

An order granted by the department allowing an employer to vary from WISHA requirements until the department decides to grant a permanent or temporary waiver.

Irritant

A substance that will induce a local inflammatory reaction upon immediate, prolonged, or repeated contact with normal living tissue.

Ladder

Consists of 2 side rails joined at regular intervals by crosspieces called steps, rungs, or cleats. These steps are used to climb up or down.

Listed

Equipment is listed if it:

• Is listed in a publication by a nationally recognized laboratory (such as UL, underwriters laboratory) that inspects the production of that type of equipment,

AND

• States the equipment meets nationally recognized standards or has been tested and found safe to use in a specific manner.

Material safety data sheet (MSDS)

Written, printed, or electronic information (on paper, microfiche, or on-screen) that informs manufacturers, distributors, employers or employees about a hazardous chemical, its hazards, and protective measures as required by material safety data sheet and label preparation, chapter 296-839 WAC.

Medical treatment

Treatment provided by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first-aid treatment even if provided by a physician or registered professional personnel.

Mist

Liquid droplets suspended in air. Mist is created by:

• Condensation from the gaseous to the liquid state;

OR

• Converting a liquid into a dispersed state with actions such as splashing, foaming, spraying or atomizing.

Mixture

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any combination of 2 or more chemicals (if that combination did not result from a chemical reaction).

Movable equipment

As used in WAC 296-800-35052, a hand-held or nonhand-held machine or device;

• That is powered or nonpowered;

AND

• Can be moved within or between worksites

Must

Must means mandatory.

NEMA

These initials stand for National Electrical Manufacturing Association.

NFPA

This is an acronym for National Fire Protection Association.

Nose

The portion of the stair tread that projects over the face of the riser below it.

Occupational Safety and Health Administration (OSHA)

Created in 1970 when the U.S. Congress passed the Occupational Safety and Health Act, the Occupational Safety and Health Administration (OSHA) provides safety on the job for workers. OSHA oversees state plans (such as WISHA in Washington) that have elected to administer the safety and health program for their state. OSHA requires WISHA rules to be at least as effective as OSHA rules.

Office work environment

An indoor or enclosed occupied space where clerical work, administration, or business is carried out.

In addition, it includes:

• Other workplace spaces controlled by the employer and used by office workers, such as cafeterias, meeting rooms, and washrooms.

• Office areas of manufacturing and production facilities, not including process areas.

• Office areas of businesses such as food and beverage establishments, agricultural operations, construction, commercial trade, services, etc.

Open riser

A stair step with an air space between treads has an open riser.

Organic peroxide

This is an organic compound containing the bivalent-0-0-structure. It may be considered a structural derivative of hydrogen peroxide if one or both of the hydrogen atoms has been replaced by an organic radical.

Outlet

See definition for electrical outlets.

Oxidizer

A chemical other than a blasting agent or explosive as defined in WAC 296-52-60130 or CFR 1910.109(a), that starts or promotes combustion in other materials, causing fire either of itself or through the release of oxygen or other gases.

Permissible exposure limits (PELs)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful physical agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Person

Based on chapter 49.17 RCW, one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

Personal eyewash units

Personal eyewash units are portable, supplementary units that support plumbed units or self-contained units, or both, by delivering immediate flushing for less than fifteen minutes.

Personal service room

Used for activities not directly connected with a business' production or service function such as:

• First aid
• Medical services
• Dressing
• Showering
• Bathrooms
• Washing
• Eating

Personnel

See the definition for employees.

Physical hazard

As used in Employer Chemical Hazard Communication, WAC 296-800-170 means a chemical that has scientifically valid evidence to show it is one of the following:

- Combustible liquid
- Compressed gas
- Explosive
- Flammable
- Organic peroxide
- Oxidizer
- Pyrophoric
- Unstable (reactive)
- Water reactive

Platform

Platform means an extended step or landing that breaks a continuous run of stairs.

Plug

See definition for attachment plug.

Potable water

Water that you can safely drink. It meets specific safety standards prescribed by the United States Environmental Protection Agency's National Interim Primary Drinking Water Regulations, published in 40 CFR Part 141, and 40 CFR 147.2400.

Predictable and regular basis

Employee functions such as, but not limited to, inspection, service, repair and maintenance which are performed

- at least once every 2 weeks

OR

- 4 man-hours or more during any sequential 4-week period (to calculate man-hours multiply the number of employees by the number of hours during a 4-week period).

Produce

As used in Employer Chemical Hazard Communication, WAC 296-800-170, any one of the following:

- Manufacture
- Process
- Formulate
- Blend
- Extract
- Generate
- Emit
- Repackage

Purchaser

As used in Employer Chemical Hazard Communication, WAC 296-800-170, an employer who buys one or more hazardous chemicals to use in their workplace.

Pyrophoric

A chemical is pyrophoric if it will ignite spontaneously in the air when the temperature is 130°F (54.4°C) or below.

Qualified person

A person who has successfully demonstrated the ability to solve problems relating to the subject matter, work, or project, either by:

- Possession of a recognized degree, certificate, or professional standing;

OR

- Extensive knowledge, training and experience.

Railing or standard railing

A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

Reassume jurisdiction

The department has decided to take back its control over a citation and notice being appealed.

Receptacle or receptacle outlet

As used in basic electrical rules, WAC 296-800-280 means outlets that accept a plug to supply electric power to equipment through a cord or cable.

Record

A record is any item, collection, or grouping of information. Examples include:

- Paper document
- Microfiche
- Microfilm
- X-ray film
- Computer record

Repeat violation

A violation is a repeat violation if the employer has been cited one or more times previously for a substantially similar hazard.

Responsible party

As used in employer chemical hazard communication, WAC 296-800-170. Someone who can provide appropriate information about the hazardous chemical and emergency procedures.

Rise

The vertical distance from the top of a tread to the top of the next higher tread.

Riser

The vertical part of the step at the back of a tread that rises to the front of the tread above.

Rungs

Rungs are the cross pieces on ladders that are used to climb up and down the ladder.

Runway

An elevated walkway above the surrounding floor or ground level. Examples of runways are footwalks along shafting or walkways between buildings.

Safety factor

The term safety factor means the ratio of when something will break versus the actual working stress or safe load when it is used.

Serious violation

Serious violation must be deemed to exist in a workplace if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use in such workplace, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Short-term exposure limit (STEL)

An exposure limit, averaged over a short time period (usually measured for 15 minutes) that must not be exceeded during any part of an employee's workday.

Should

Should means recommended.

Single ladder

A type of portable ladder with one section.

It is distinguished by all of the following:

• It has one section

• It cannot support itself

• Its length cannot be adjusted

Smoking

A person is smoking if they are:

• Lighting up

• Inhaling

• Exhaling

• Carrying a pipe, cigar or cigarette of any kind that is burning

Specific chemical identity

This term applies to chemical substances. It can mean the:

• Chemical name

• Chemical Abstracts Service (CAS) registry number

• Any other information that reveals the precise chemical designation of the substance.

Stair railing

A vertical barrier attached to a stairway with an open side to prevent falls. The top surface of the stair railing is used as a handrail

Stairs or stairway

A series of steps and landings:

– leading from one level or floor to another,

– leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment

– Used more or less continuously or routinely by employees, or only occasionally by specific individuals.

– With three or more risers

Standard safeguard

Safety devices that prevent hazards by their attachment to:

• Machinery

• Appliances

• Tools

• Buildings

• Equipment

These safeguards must be constructed of:

• Metal

• Wood

• Other suitable materials

The department makes the final determination about whether a safeguard is sufficient for its use.

Step ladder

A portable ladder with:

• Flat steps

• A hinge at the top allowing the ladder to fold out and support itself

• Its length that cannot be adjusted.

Time weighted average (TWA_8)

An exposure limit, averaged over 8 hours, that must not be exceeded during an employee's work shift.

Toeboard

A barrier at floor level along exposed edges of a floor opening, wall opening, platform, runway, or ramp, to prevent falls of materials.

Toxic chemical

As used in first aid, WAC 296-800-150, is a chemical that produces serious injury or illness when absorbed through any body surface.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

• Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) *Registry of Toxic Effects of Chemical Substances* (RTECS)

• Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer

• The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Toxicant

A substance that has the inherent capacity to produce personal injury or illness to individuals by absorption through any body surface.

Trade secret

Any confidential:

• Formula

• Pattern

• Process

• Device

• Information

• Collection of information

The trade secret is used in an employer's business and gives an opportunity to gain an advantage over competitors who do not know or use it.

See WAC 296-62-053 for requirements dealing with trade secrets.

Tread

As used in stairs and stair railings, WAC 296-800-250 means the horizontal part of the stair step.

Tread run

As used in stairs and stair railings, WAC 296-800-250 means the distance from the front of one stair tread to the front of an adjacent tread.

Tread width

The distance from front to rear of the same tread including the nose, if used.

UL (Underwriters' Laboratories, Inc.)

You will find these initials on electrical cords and equipment. The initials mean the cord or equipment meets the standards set by the Underwriters' Laboratories, Inc.

Unstable (reactive)

As used in employer chemical hazard communication, WAC 296-800-170. An unstable or reactive chemical is one that in its pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

Use

As used in employer chemical hazard communication, WAC 296-800-170, means to:

• Package

• Handle

• React

• Emit

• Extract

• Generate as a by-product
• Transfer.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

Voltage of a circuit

The greatest effective potential difference between any two conductors or between a conductor and ground.

Voltage to ground

The voltage between a conductor and the point or conductor of the grounded circuit. For undergrounded circuits, it is the greatest voltage between the conductor and any other conductor of the circuit.

Voltage, nominal

Nominal voltage is a value assigned to a circuit or system to designate its voltage class (120/240, 480Y/277, 600, etc.). The actual circuit voltage can vary from the value if it is within a range that permits the equipment to continue operating in a satisfactory manner.

WAC

This is an acronym for **Washington Administrative Code,** which are rules developed to address state law.

Water-reactive

As used in Employer Chemical Hazard Communication, WAC 296-800-170, a water-reactive chemical reacts with water to release a gas that is either flammable or presents a health hazard.

Watertight

Constructed so that moisture will not enter the enclosure or container.

Weatherproof

Constructed or protected so that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

Wet location

As used in basic electrical rules, WAC 296-800-280 means:

• Underground installations or in concrete slabs or masonry that are in direct contact with the earth

• Locations that can be saturated by water or other liquids

• Unprotected locations exposed to the weather (like vehicle washing areas)

WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

Work area

As used in employer chemical hazard communication, WAC 296-800-170, a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

Working days

Means a calendar day, except Saturdays, Sundays, and legal holidays. Legal holidays include:

– New Year's Day - January 1
– Martin Luther King, Jr. Day
– Presidents' Day
– Memorial Day
– Independence Day - July 4
– Labor Day
– Veterans' Day - November 11
– Thanksgiving Day
– The day after Thanksgiving Day; and
– Christmas Day - December 25

The number of working days must be calculated by not counting the first working day and counting the last working day.

Worker

See the definition for employee.

Workplace

• The term workplace means:

– Any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control, and includes, but is not limited to, all workplaces covered by industrial insurance under Title 51 RCW, as now or hereafter amended.

– As used in Employer Chemical Hazard Communication, WAC 296-800-170 means an establishment, job site, or project, at one geographical location containing one or more work areas.

You

See definition of employer.

Your representative

Your representative is the person selected to act in your behalf.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-18-090, § 296-800-370, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, and [49.17].050. 02-16-047, § 296-800-370, filed 8/1/02, effective 10/1/02; 01-23-060, § 296-800-370, filed 11/20/01, effective 12/1/01; 01-11-038, § 296-800-370, filed 5/9/01, effective 9/1/01.]

Chapter 296-807 WAC
PORTABLE POWER TOOLS

WAC

296-807-100	Scope.
296-807-110	Switches (controls).
296-807-11005	Make sure switches are safe.
296-807-120	Portable circular saws.
296-807-12005	Make sure portable circular saws are safe to use.
296-807-130	Portable belt sanding machines.
296-807-13005	Guard portable belt sanding machines.
296-807-140	Compressed air tools.
296-807-14005	Follow the manufacturer's instructions.
296-807-14010	Prevent air tools from ejecting attachments.
296-807-14015	Protect employees from contact with compressed air.
296-807-14020	Make sure safeguards are used when cleaning with compressed air.
296-807-14025	Make sure airhose and plastic pipe supplying compressed air to portable air tools are safe.
296-807-14030	Make sure air tools are adequately designed and constructed.
296-807-14035	Use air tools safely.
296-807-14040	Make sure fastener driving air tools (nailers and staplers) are safe.
296-807-150	Powder actuated fastening systems.
296-807-15005	Make sure tool operators are qualified.
296-807-15010	Make sure employees are aware tools are in use and wear appropriate personal protective equipment (PPE).
296-807-15015	Make sure tools are adequately designed and constructed.
296-807-15020	Make sure tools and containers are properly labeled.
296-807-15025	Make sure powder loads and power levels are properly identified.
296-807-15030	Use proper powder loads.

296-807-15035 Make sure the tool is appropriate to the job.
296-807-15040 Make sure the operator uses the tool safely.
296-807-15045 Use fasteners safely.
296-807-15050 Inspect and maintain tools properly.
296-807-15055 Make sure tools are stored properly.
296-807-160 Power lawnmowers.
296-807-16005 Make sure equipment meets minimum design and construction requirements.
296-807-16010 Make sure the equipment has the appropriate labels and decals.
296-807-16015 Make sure the operator understands and follows instructions before starting the mower.
296-807-16020 Use the equipment safely.
296-807-16025 Protect employees from fuel and exhaust.
296-807-16030 Use walk-behind mowers safely.
296-807-16035 Use ride-on mowers safely.
296-807-170 Jacks.
296-807-17005 Make sure jacks are labeled with their rated load(s).
296-807-17010 Make sure the jack is safe to lift the load.
296-807-17015 Lift the load safely.
296-807-17020 Visually inspect jacks and keep them in good working order.
296-807-180 Portable tools using abrasive wheels.
296-807-18005 Make sure abrasive wheels and tools are properly designed and constructed.
296-807-18010 Make sure machines have safety guards.
296-807-18015 Keep safety guards in good functional condition.
296-807-18020 Use specific safety guards for machines using Type 1 grinding wheels, cutting-off wheels, and tuck pointing wheels.
296-807-18025 Use specific safety guards for vertical and angle grinders using Type 6 or Type 11 wheels.
296-807-18030 Use specific safety guards for vertical and angle grinders using Type 27, 28 and 29 wheels.
296-807-18035 Use side handles on vertical and angle grinders.
296-807-18040 Make sure abrasive wheels are safe to use.
296-807-18045 Mount wheels properly.
296-807-18050 Use proper flanges.
296-807-18055 Make sure flanges are in good condition.
296-807-18060 Use specific flanges for Type 1 cutting-off wheels.
296-807-18065 Use specific flanges for Type 27A cutting-off wheels.
296-807-18070 Use specific flanges for threaded hole wheels.
296-807-18075 Use specific flanges for cup, cone or plug wheels with threaded inserts or projecting studs.
296-807-18080 Use blotters when required.
296-807-18085 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).
296-807-190 Definitions.

WAC 296-807-100 Scope. This chapter applies to the tools and equipment shown in Table 1, Scope of this chapter.

Table 1
Scope of this Chapter

Section:	Applies to:
110 Switches (controls)	Hand-held portable power tools.
120 Portable circular saws	Hand-held portable circular saws.
130 Portable belt sanding machines	Hand-held portable belt sanding machines.
140 Compressed air tools, hose, and pipe	Hand-held portable compressed air powered tools. It also applies to airhose and plastic pipe used to supply compressed air to these tools.
150 Powder actuating fastening systems	Powder actuated fastening systems designed to use the expanding gases from a powder load to propel a stud, pin, fastener, or other object into hard structural material.
160 Power lawnmowers	Consumer and commercial power lawnmowers.
170 Jacks	Portable hand- or power-operated: • Hydraulic jacks • Mechanical ratchet jacks • Mechanical screw jacks.
180 Portable tools using abrasive wheels	Portable tools using abrasive wheels.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-100, filed 4/4/03, effective 8/1/03.]

WAC 296-807-110 Switches (controls). Summary.

Your responsibility:

Make sure hand-held portable power tools have safe switches (controls).

Exemption:

WAC 296-807-110 does not apply to:

- Concrete vibrators
- Concrete breakers
- Powered tampers
- Jack hammers
- Rock drills
- Garden appliances
- Household and kitchen appliances
- Personal care appliances
- Medical or dental equipment
- Fixed machinery.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-110, filed 4/4/03, effective 8/1/03.]

WAC 296-807-11005 Make sure switches are safe.

You must:

(1) Make sure the operating switch is located in a position that makes it difficult to accidentally operate the tool.

(2) Use the correct operating switch.

• Make sure hand-held gasoline-powered chain saws have a constant pressure throttle control that will shut off power to the chain when the pressure is released.

• Use a constant pressure switch that will shut off the power when the switch is released to turn on or operate any hand-held power tool.

Exemptions:

• Some tools can use a lock-on feature with the constant pressure switch if the lock-on feature can be turned off with a single motion of the same finger(s) that turned it on. You can use a lock-on feature with these hand-held tools:

– Drills
– Tappers
– Fastener drivers
– Grinders using a wheel greater than two inches in diameter
– Disc sanders
– Belt sanders
– Reciprocating saws

– Saber, scroll and jig saws using a blade with a shank width greater than one-quarter inch

– Other similarly operating powered tools.

• You can use a positive "on-off" switch with these hand-held tools:

– Platen sanders

– Grinders using a wheel two inches or less in diameter

– Routers

– Planers

– Laminate trimmers

– Nibblers

– Shears

– Saber, scroll and jig saws using a blade with a shank width of one-quarter inch (± .05 inch) or less.

Note: The shank width of saber, scroll and jig saw blades is measured at the narrowest point on the blade shank.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-11005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-120 Portable circular saws.

Your responsibility:

Make sure portable circular saws are safe.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-120, filed 4/4/03, effective 8/1/03.]

WAC 296-807-12005 Make sure portable circular saws are safe to use.

You must:

(1) Use a constant pressure switch to turn on or operate any circular saw using a blade that has a diameter greater than two inches.

(2) Remove cracked saws and saw blades from service.

(3) Make sure power driven circular saws that have a blade diameter larger than two inches have guards above and below the base plate (shoe) as listed in Table 2, Portable circular saw guarding requirements.

Table 2
Portable Circular Saw Guarding Requirements

Upper Guard	Lower Guard
Covers the blade to the depth of the teeth, except for the minimum arc necessary to allow the base to tilt for bevel cuts.	Covers the blade to the depth of the teeth, except for the minimum arc necessary to allow proper: • Retraction of the guard • Contact with the work. Automatically and instantly returns to the position covering the blade when the saw is withdrawn from contact with the work.

Exemption: Guarding requirements in subsection (3) of this section do not apply to saws used in the meat cutting industry to cut meat.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-12005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-130 Portable belt sanding machines.

Your responsibility:

Make sure portable belt sanding machines are safe.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-130, filed 4/4/03, effective 8/1/03.]

WAC 296-807-13005 Guard portable belt sanding machines.

You must:

• Guard:

– Nip points where the sanding belt runs onto a pulley

– The unused run of the sanding belt.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-13005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-140 Compressed air tools. Summary.

This section applies to portable, hand-held compressed air powered tools. It also applies to airhose and plastic pipe used to supply compressed air to these tools.

Your responsibility:

Make sure compressed air and compressed air tools are used safely.

You must:

GENERAL TOOL REQUIREMENTS

Follow the manufacturer's instructions

WAC 296-807-14005

Prevent air tools from ejecting attachments

WAC 296-807-14010

CONTACT WITH COMPRESSED AIR

Protect employees from contact with compressed air

WAC 296-807-14015

CLEANING

Make sure safeguards are used when cleaning with compressed air

WAC 296-807-14020

AIRHOSE AND PLASTIC PIPE

Make sure airhose and plastic pipe supplying compressed air to portable air tools are safe

WAC 296-807-14025

TOOL DESIGN AND CONSTRUCTION

Make sure air tools are adequately designed and constructed

WAC 296-807-14030

TOOL USE

Use air tools safely

WAC 296-807-14035

FASTENER DRIVING TOOLS

Make sure fastener driving air tools (nailers and staplers) are safe

WAC 296-807-14040.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-140, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14005 Follow the manufacturer's instructions.

You must:

• Follow the manufacturer's instructions for safe use of the tool.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14010 Prevent air tools from ejecting attachments.

You must:

• Make sure the tool cannot accidentally eject an attachment.

Note: A retainer is needed if the tool does not have a positive method of keeping the attachment in the tool.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14010, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14015 Protect employees from contact with compressed air.

You must:

• Make sure a tool nozzle or an airhose opening is not:

– Pointed at anyone

– Allowed to contact a person's body.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14015, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14020 Make sure safeguards are used when cleaning with compressed air.

You must:

• Use the following when cleaning with compressed air:

– Air pressure that has been reduced to less than 30 p.s.i. static pressure at the nozzle

– Effective chip guarding.

Note: ?You may use air pressure greater than 30 p.s.i. if you use a nozzle with vents, holes, flaps or slots that will direct the air flow away from the tip of the nozzle and will reduce the air flow to less than 30 p.s.i if the nozzle becomes blocked.

? Effective chip guarding means any method or equipment that protects the eyes and skin of the cleaner and other workers from flying chips or particles. Examples include:

– A protective cone around the nozzle to protect the cleaner

– Barriers, baffles or screens to protect other workers.

Reference: Appropriate personal protective equipment (PPE) needs to be worn when cleaning with compressed air. See WAC 296-800-160 in the safety and health core rules.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14020, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14025 Make sure airhose and plastic pipe supplying compressed air to portable air tools are safe.

You must:

(1) Make sure the airhose and hose connections are suitable for the:

• Air pressure

• Use.

(2) Make sure any plastic pipe used to supply compressed air for portable air tools has been specifically identified by the manufacturer as being suitable for compressed air use.

Note: Existing unapproved pipe that is buried underground or enclosed in shatter-resistant material is acceptable only if it completely eliminates the hazards created by the brittle nature of the pipe.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14025, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14030 Make sure air tools are adequately designed and constructed.

Exemption:

This section does not apply to:

• Tools specifically for medical or dental use

• Tools specifically for use in the food processing industry

• Tools mounted in stationary installations

• Air hoists

• Construction and mining tools such as paving breakers, diggers, tampers, and rock drills.

You must:

• Make sure portable, hand-held air tools meet the requirements of:

– ANSI B186.1-1984, Safety Code for Portable Air Tools.

OR

– ANSI/ISANTA SNT-101-1993, Portable, Compressed-Air-Actuated, Fastener Driving Tools-Safety Requirements for.

Note: There may be a statement on the tool or in the instruction manual indicating the tool meets the requirements of the appropriate ANSI standard. If in doubt, check with the manufacturer.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14030, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14035 Use air tools safely.

Exemption:

This section does not apply to:

• Tools specifically for medical or dental use

• Tools specifically for use in the food processing industry

• Tools mounted in stationary installations

• Air hoists

• Construction and mining tools such as paving breakers, diggers, tampers, and rock drills.

You must:

(1) Relieve the pressure in the air line before disconnecting a compressed air tool from the line or disconnecting a hose joint unless there is automatic valve closing protection at the joint being separated.

(2) Disconnect the tool from the compressed air supply before repairs are done.

(3) Make sure that eye protection is worn at all times by:

• The person operating the tool

• Other persons in the area where tools are being used.

References: ? Use the PPE hazard assessment to determine which employees other than the tool operator need to wear eye protection and the type of eye protection they need to wear. See WAC 296-800-160 in the safety and health core rules.

? Chapter 296-62 WAC, Part K, Hearing conservation, may require the use of hearing protection.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14035, filed 4/4/03, effective 8/1/03.]

WAC 296-807-14040 Make sure fastener driving air tools (nailers and staplers) are safe.

You must:

(1) Make sure any fastener driving air tool discharges all air in the tool when disconnected from the compressed air supply.

(2) Make sure that all pneumatically driven nailers, staplers, and other similar equipment provided with automatic fastener feed have a safety device on the muzzle to prevent

the tool from ejecting fasteners, unless the muzzle is in contact with the work surface.

Note: Pneumatic nailers or staplers do not need this safety device if:
• The overall weight of the fastening device does not exceed the weight of one and one-half inches of standard 18-gauge wire. The normal maximum diameter tolerance for manufacturing standard 18-gauge wire is .045 inches.
• The operator and any other person within twelve feet of the point of operation wear approved eye protection.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-14040, filed 4/4/03, effective 8/1/03.]

WAC 296-807-150 Powder actuated fastening systems. Summary.

IMPORTANT:

This section applies to any powder actuated fastening system designed to use the expanding gases from a powder load to propel a stud, pin, fastener, or other object into hard structural material.

Exemption:

This section does not apply to:

• Devices designed to attach objects to soft construction material such as wood, plaster, tar, and dry wallboard

• Stud welding equipment.

Your responsibility:

Make sure powder actuated fastening systems are used safely.

You must:

TOOL OPERATORS

Make sure tool operators are qualified

WAC 296-807-15005

PERSONAL PROTECTIVE EQUIPMENT

Make sure employees are aware tools are in use and wear appropriate personal protective equipment (PPE)

WAC 296-807-15010

TOOL DESIGN AND CONSTRUCTION

Make sure tools are adequately designed and constructed

WAC 296-807-15015

LABELING

Make sure tools and containers are properly labeled

WAC 296-807-15020

POWDER LOADS

Make sure powder loads and power levels are properly identified

WAC 296-807-15025

Use proper powder loads

WAC 296-807-15030

TOOL USE

Make sure the tool is appropriate to the job

WAC 296-807-15035

Make sure the operator uses the tool safely

WAC 296-807-15040

FASTENERS

Use fasteners safely

WAC 296-807-15045

INSPECTION AND MAINTENANCE

Inspect and maintain tools properly

WAC 296-807-15050

STORAGE

Make sure tools are stored properly

WAC 296-807-15055

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-150, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15005 Make sure tool operators are qualified.

You must:

• Make sure tools are used only by qualified operators

• Make sure operators have been trained by an authorized instructor.

Note: Authorized instructors have to meet the instructor qualifications of ANSI A10.3-1995, Safety Requirements for Powder-Actuated Fastening Systems.

You must:

• Make sure all tool operators can:
- Understand the manufacturer's instructions
- Clean the tool properly
- Recognize any visibly worn or damaged parts
- Identify power load levels
- Operate the tool correctly.

• Make sure tool operators have a valid qualified operator's card in their possession when they are using the tool.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15010 Make sure employees are aware tools are in use and wear appropriate personal protective equipment (PPE).

You must:

(1) Make sure eye or face protection is worn by:

• Tool operators

• Assistants

• Persons close to where the tool is being used.

Reference: ? Use the PPE hazard assessment to determine which employees other than the tool operator need to wear eye protection and the type of eye protection they need to wear. See WAC 296-800-160 in the safety and health core rules.
? Chapter 296-62 WAC, Part K, Hearing conservation may require the use of hearing protection.

You must:

(2) Post signs where tools are being used and in adjacent areas where tool use could pose a hazard. Signs must:

• Be easily seen

• Be at least 8 x 10 inches (20 x 25 cm)

• Use letters in boldface type at least one inch (2.5 cm) high

• Read "POWDER ACTUATED TOOL IN USE" or similar wording.

Note: Tool use could create a hazard in adjacent areas by allowing a fastener to penetrate one or more of the following:
• Wall
• Floor
• Other working surface.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15010, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15015 Make sure tools are adequately designed and constructed.

You must:

(1) Make sure the tool meets the design and construction requirements of the American National Standards Institute (ANSI) standard ANSI A10.3-1995, Safety Requirements for Powder-Actuated Fastening Systems.

Note: There may be a statement on the tool or in the instruction manual indicating the tool meets the requirements of the appropriate ANSI standard. If in doubt, check with the manufacturer.

You must:

(2) Make sure each tool has:

• Operator instructions and a tool service manual

• Powder load and fastener chart

• Service tools and accessories.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15015, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15020 Make sure tools and containers are properly labeled.

You must:

(1) Make sure tools are properly labeled.

• Make sure each tool has a readable, permanent label that shows the manufacturer's:

– Model number

– Unique serial number.

• Make sure there is a durable warning label on each tool that:

– Reads "WARNING - FOR USE ONLY BY QUALIFIED OPERATORS ACCORDING TO MANUFACTURER'S INSTRUCTION MANUAL"

OR

– Uses words with the same meaning.

(2) Make sure the tool storage container has these labels:

• "POWDER ACTUATED TOOL" on the outside of the container in an easily seen position

• "WARNING - POWDER ACTUATED TOOL. TO BE USED ONLY BY A QUALIFIED OPERATOR AND KEPT UNDER LOCK AND KEY WHEN NOT IN USE" on the inside cover.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15020, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15025 Make sure powder loads and power levels are properly identified.

You must:

• Make sure powder loads and power levels are identified as specified in Table 3, Powder-Load Identification

Table 3
Powder-Load Identification

	Power Level	Color Identification	
		Case Color	Load Color
Lowest Level	1	Brass	Gray
	2	Brass	Brown
	3	Brass	Green
	4	Brass	Yellow
	5	Brass	Red
	6	Brass	Purple
	7	Nickel	Gray
	8	Nickel	Brown
	9	Nickel	Green
	10	Nickel	Yellow
	11	Nickel	Red
Highest power level	12	Nickel	Purple

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15025, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15030 Use proper powder loads.

You must:

• Use only a powder load that is:

– Recommended by the tool manufacturer for the particular tool

OR

– One that provides the same level of safety and performance.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15030, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15035 Make sure the tool is appropriate to the job.

You must:

(1) Use the lowest velocity class of tool and load that will properly set the fastener.

(2) Use the proper shield, fixture, adaptor, or accessory that is:

• Suitable for the job

• Recommended and supplied by the manufacturer.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15035, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15040 Make sure the operator uses the tool safely.

You must:

(1) Make sure the operator:

• Inspects the tool before using it, as recommended by the tool manufacturer

• Uses the tool according to the manufacturer's instructions

• Keeps the tool unloaded until just before using it

• Unloads the tool at once if work is interrupted after the tool has been loaded

• Does not leave a tool or powder load unattended where it would be available to an unauthorized person

• Never points a tool (loaded or unloaded) at any part of a person's body.

Note: A magazine or clip fed tool is not considered loaded until a powder load is actually in the ram (firing chamber).

You must:

(2) Make sure tools are not used in an explosive or flammable atmosphere.

(3) Do this if the tool misfires:

• Hold it firmly against the work surface for thirty seconds

Then

• Follow the instructions in the tool manufacturer's instruction manual.

(4) Hold the tool perpendicular to the work surface when fastening to any material.

Exemption:

This does not apply if the tool manufacturer recommends a different technique for a specific job.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15040, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15045 Use fasteners safely.

You must:

(1) Use fasteners:

• Recommended by the tool manufacturer for the particular tool

OR

• Fasteners that provide the same level of safety and performance.

(2) Keep the fastener from passing completely through the structural material by using a backing material when driving a fastener into any material that is any of the following:

• Easily penetrated

• Thin

• Of questionable resistance.

(3) Make sure the material is suitable for fastening. Do not drive fasteners into very hard or brittle material such as:

• Cast iron

• Glazed tile

• Hardened steel

• Glass block

• Natural rock

• Hollow tile

• Most brick.

(4) Make sure positive alignment with an existing hole is maintained by using a guide or other means supplied or recommended by the tool manufacturer before driving a fastener into the hole.

(5) Make sure fasteners are not driven into any spalled (chipped or crumbled) area.

(6) Drive fasteners into concrete only if the fastener shank will penetrate no more than one-third the thickness of the concrete.

(7) Make sure fasteners are driven at least:

• One-half inch (13 mm) from the edge of steel

• Three inches (75 mm) from the unsupported edge of masonry material.

Exemption:

This does not apply if an application is specifically required or recommended by the tool manufacturer.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15045, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15050 Inspect and maintain tools properly.

You must:

• Make sure any tool that is not in proper working condition is:

– Immediately removed from service

– Tagged

– Properly repaired as specified in the manufacturer's instructions before being used again.

• Regularly service the tool and inspect it for worn or damaged parts at intervals recommended by the tool manufacturer.

• Replace worn or damaged parts before the tool is used. This must be done:

– By a qualified person

– Using only parts supplied by the tool manufacturer.

• Keep a written record of inspection dates.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15050, filed 4/4/03, effective 8/1/03.]

WAC 296-807-15055 Make sure tools are stored properly.

You must:

(1) Make sure there is a container that can be locked for each tool.

(2) Make sure tools and powder loads that are not being used are:

• Locked in a container

• Stored in a safe place

• Only available to authorized persons.

(3) Store all manuals, maintenance tools, and accessories in the tool container when they are not being used.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-15055, filed 4/4/03, effective 8/1/03.]

WAC 296-807-160 Power lawnmowers. Summary.

Exemption:

This section does not apply to commercial equipment that is:

• Designed primarily for agricultural purposes

OR

• Designed primarily to be operated with tractors having at least twenty horsepower for cutting grass or other growth on highways.

Your responsibility:

Make sure power lawnmowers are used safely.

You must:

DESIGN AND CONSTRUCTION

Make sure equipment meets minimum design and construction requirements

WAC 296-807-16005

LABELS

Make sure the equipment has the appropriate labels and decals

WAC 296-807-16010

BEFORE STARTING

Make sure the operator understands and follows instructions before starting the mower

WAC 296-807-16015

USE

Use the equipment safely

WAC 296-807-16020

NONELECTRIC MOWERS

Protect employees from fuel and exhaust

WAC 296-807-16025

WALK-BEHIND MOWERS

Use walk-behind mowers safely

WAC 296-807-16030

RIDE-ON MOWERS

Use ride-on mowers safely

WAC 296-807-16035.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-160, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16005 Make sure equipment meets minimum design and construction requirements.

You must:

(1) Make sure equipment meets ANSI design and construction requirements.

• Make sure power lawnmowers manufactured on or after August 1, 2003, meet the requirements of the appropriate ANSI standard:

– ANSI B71.1-1998, American National Standard for Consumer Turf Care Equipment - Walk-Behind Mowers and Ride-On Machines with Mowers - Safety Specifications

OR

– ANSI B71.4-1999, American National Standard for Commercial Turf Care Equipment - Safety Specifications.

• Make sure noncommercial power lawnmowers manufactured before the effective date of this chapter meet the requirements of ANSI B71.1-1968, American National Standard Safety Specifications for Power Lawnmowers.

Note: There may be a statement on the tool or in the instruction manual indicating the tool meets the requirements of the appropriate ANSI standard. If in doubt, check with the manufacturer.

You must:

(2) Position, guard or shield all power-driven shafts, chains, belts, gears, friction drive components, nip and pinch points, and any exposed components hot enough to cause burns while:

• Starting

• Mounting

• Operating the machine.

(3) Have a shutoff device that:

• Will stop the motor or engine

AND

• Has to be intentionally and manually activated before the motor or engine can be restarted.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16010 Make sure the equipment has the appropriate labels and decals.

You must:

(1) Make sure all positions of the operating controls are clearly identified.

(2) Make sure warning and caution labels or decals on the mower are readable and replace them if necessary.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16010, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16015 Make sure the operator understands and follows instructions before starting the mower.

You must:

(1) Make sure the operator understands all instructions for operating the mower that are in the manufacturer's instructions and on the machine.

• Make sure the operator is thoroughly familiar with the controls and proper use of the mower before starting it.

(2) Make sure the proper guards, plates, grass catcher or other safety devices are in place before starting the mower.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16015, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16020 Use the equipment safely.

You must:

(1) Follow the manufacturer's instructions for safe use of the equipment.

(2) Keep people clear of discharge opening(s).

(3) Keep people's hands and feet clear of rotating parts.

(4) Clear the area of objects such as rocks, toys, wire, bones, sticks, etc., which could be picked up and thrown by the blade and create a hazard for the operator or other persons.

(5) Make sure the operator stops the engine before:

• Leaving the equipment

• Unclogging the grass discharge chute

• Cleaning the mower.

(6) Make sure the operator wears safety goggles or safety glasses with side shields when operating the mower.

Note: Use the personal protective equipment (PPE) hazard assessment to determine the type of footwear and other PPE the employees need to wear. See WAC 296-800-160, PPE, in the safety and health core rules.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16020, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16025 Protect employees from fuel and exhaust.

Exemption:

This section does not apply to electric engines.

You must:

(1) Make sure to:

• Keep the gas cap on whenever the engine is running.

• Shut off the engine before and during refueling.

(2) Make sure not to refuel the machine indoors.

(3) Make sure not to run the engine in a closed area.

Exemption:

You can refuel the machine indoors or run the engine in a closed area if the area was specifically designed for such use.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16025, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16030 Use walk-behind mowers safely.

You must:

(1) Make sure the operator wears substantial footwear when operating a walk-behind mower.

Note: Use the personal protective equipment (PPE) hazard assessment to determine the type of footwear and other PPE the employees need to wear. See WAC 296-800-160, PPE, in the safety and health core rules.

You must:

(2) Mow across the face of a slope.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16030, filed 4/4/03, effective 8/1/03.]

WAC 296-807-16035 Use ride-on mowers safely.

You must:

(1) Make sure not to carry passengers.

(2) Make sure the operator looks down and behind before and while moving backwards.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-16035, filed 4/4/03, effective 8/1/03.]

WAC 296-807-170 Jacks. Summary.

IMPORTANT:

This section applies to portable hand- or power-operated:

• Hydraulic jacks
• Mechanical ratchet jacks
• Mechanical screw jacks.

Your responsibility:

Make sure jacks are safe to use.

You must:

LABELING

Make sure jacks are labeled with their rated load(s)
WAC 296-807-17005

BEFORE USE

Make sure the jack is safe to lift the load
WAC 296-807-17010

LIFTING THE LOAD

Lift the load safely
WAC 296-807-17015

INSPECTION AND MAINTENANCE

Visually inspect jacks and keep them in good working order
WAC 296-807-17020.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-170, filed 4/4/03, effective 8/1/03.]

WAC 296-807-17005 Make sure jacks are labeled with their rated load(s).

You must:

• Make sure the rated load(s) of the jack is:
– Readable
– Durably marked in an easily seen location on the jack.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-17005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-17010 Make sure the jack is safe to lift the load.

You must:

(1) Visually examine the general condition of the jack before each use.

Note: If a jack is to be used more than once on a shift, the visual examination is only required before the jack is used for the first time that shift.

You must:

(2) Make sure the weight to be lifted or supported is within the rated load of the jack.

(3) Make sure the base of the jack is on a firm foundation or blocked before lifting the load.

(4) Make sure hydraulic jacks exposed to freezing temperatures function properly at the temperature they will be used.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-17010, filed 4/4/03, effective 8/1/03.]

WAC 296-807-17015 Lift the load safely.

You must:

(1) Place a block between the load cap and the load if the load could slip off the jack.

(2) Secure the load from falling or slipping immediately after it is raised by one or more of the following:

• Cribbing
• Blocking
• Some other equally effective method.

(3) Make sure you do not exceed the limit of travel of the jack.

Note: The limit of travel can be determined by one or more of the following:
• A positive stop
• A stop indicator
• Some other equally effective method.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-17015, filed 4/4/03, effective 8/1/03.]

WAC 296-807-17020 Visually inspect jacks and keep them in good working order.

Note: There are two types of inspection, frequent or periodic, depending on how often they are done.

You must:

(1) Inspect jacks at appropriate intervals:

• Make sure frequent inspections are done by the operator or other designated person as follows:
– Before a jack is first placed in service.
– Monthly for a jack used in normal service.
– Daily or before each use for a jack used for other than normal service.
– Before using a jack that has been altered, modified, or repaired.
– Before using a jack that has not been used in one year or more.

• Make sure a periodic inspection of the jack is done once a year.

• Inspect the jack using Table 4, Jack Inspection Requirements, during any frequent or periodic inspection.

(2) Make sure a jack that is out of order is:

• Tagged
• Not used until repaired.

(3) Make sure a jack is properly lubricated at regular intervals.

Note: The jack should be lubricated following the manufacturer's instructions.

Table 4
Jack Inspection Requirements

Inspection Item	Frequent Inspection	Periodic Inspection
Check all of the following items that apply to the jack:		
Improper pawl engagement	X	X
Excessive pawl wear	X	X
Chipped, cracked, or worn rack teeth	X	X
Damaged, bent, or worn threads	X	X
Leaking hydraulic fluid	X	X
Scored or damaged plunger	X	X
Improper functioning	X	X
Free movement of swivel, heads, and caps	X	X
Loose bolts or rivets	X	X
Damaged or improperly assembled accessory equipment	X	X
Rack wear or bending	X	X

Table 4
Jack Inspection Requirements

Inspection Item	Frequent Inspection	Periodic Inspection
Check all of the following items that apply to the jack:		
Other items as specified in the manufacturer's instructions	X	X
Watch the jack during operation	X	X
More detailed inspection required if a designated person determines any condition discovered is a hazard	X	
Clean and check internal parts for wear or damage if inspection indicates an internal problem		X

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-17020, filed 4/4/03, effective 8/1/03.]

WAC 296-807-180 Portable tools using abrasive wheels. Summary.

IMPORTANT:

This section applies to portable tools using abrasive wheels.

Definition:

Abrasive wheel. A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

Exemption: This section does not apply to machines using:

- Natural sandstone wheels
- Pulpstone wheels
- Coated abrasive products
- Loose abrasives.

Your responsibility:

Make sure abrasive wheel tools and wheels are safe to use.

You must:

DESIGN AND CONSTRUCTION

Make sure abrasive wheels and tools are properly designed and constructed

WAC 296-807-18005

GUARDS

Make sure machines have safety guards

WAC 296-807-18010

Keep safety guards in good functional condition

WAC 296-807-18015

GUARDS - SPECIFIC WHEELS

Use specific safety guards for machines using Type 1 grinding wheels, cutting-off wheels, and tuck pointing wheels

WAC 296-807-18020

Use specific safety guards for vertical and angle grinders using Type 6 or Type 11 wheels

WAC 296-807-18025

Use specific safety guards for vertical and angle grinders using Type 27, 28 and 29 wheels

WAC 296-807-18030

SIDE HANDLES

Use side handles on vertical and angle grinders

WAC 296-807-18035

ABRASIVE WHEELS

Make sure abrasive wheels are safe to use

WAC 296-807-18040

MOUNTING

Mount wheels properly

WAC 296-807-18045

FLANGES

Use proper flanges

WAC 296-807-18050

Make sure flanges are in good condition

WAC 296-807-18055

FLANGES - SPECIFIC WHEELS

Use specific flanges for Type 1 cutting-off wheels

WAC 296-807-18060

Use specific flanges for Type 27A cutting-off wheels

WAC 296-807-18065

Use specific flanges for threaded hole wheels

WAC 296-807-18070

Use specific flanges for cup, cone or plug wheels with threaded inserts or projecting studs

WAC 296-807-18075

BLOTTERS

Use blotters when required

WAC 296-807-18080

BLOTTERS - TYPE 6 AND 11 WHEELS

Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo)

WAC 296-807-18085.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-180, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18005 Make sure abrasive wheels and tools are properly designed and constructed.

You must:

- Make sure abrasive wheels and tools meet the design and construction requirements of:

– American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels

OR

– ANSI B186.1-1984, Safety Code for Portable Air Tools.

Note: Tools may have a statement on the tool or in the instruction manual that the tool meets the appropriate ANSI standard. If in doubt, check with the manufacturer.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18005, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18010 Make sure machines have safety guards.

You must:

- Use abrasive wheels only on machines that have safety guards.
- Make sure the safety guard:

– Is mounted so it maintains proper alignment with the wheel

– Is mounted with fasteners strong enough to keep the guard in position if a wheel breaks

– Is positioned to deflect pieces of an accidentally broken wheel away from the operator

– Covers the spindle end, nut, and flange projections.

Exemption:

Safety guards are not required on machines that use:

• Wheels for internal grinding while advancing, retracting or within the work

• Mounted wheels two inches or less in diameter

• Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where:

– The work offers protection

OR

– The size does not exceed three inches in diameter by five inches long.

• Notched, segmented, or continuous rim metal centered diamond lapidary wheels that are:

– Used with a coolant deflector

AND

– Operated at 3,500 SFPM or less.

• Type 1 wheels that are:

– Two inches or less in diameter

– One-half inch or less thick

– Operating at peripheral speeds less than 1,800 SFPM

– Mounted on mandrels and used in portable drills.

• Type 1 reinforced wheels that are:

– Three inches or less in diameter one-quarter inch or less thick

– Operating at peripheral speeds of 9,500 SFPM or less

– Used by operators wearing safety glasses and face shields.

• Valve seating grinding wheels.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18010, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18015 Keep safety guards in good functional condition.

You must:

• Make sure safety guards are in good functional condition.

• Replace any safety guard that:

– Is damaged, bent or severely worn

OR

– Has been hit by parts from a breaking wheel.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18015, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18020 Use specific safety guards for machines using Type 1 grinding wheels, cutting-off wheels, and tuck pointing wheels.

You must:

• Make sure the safety guard covers the top and sides of the wheel for at least one hundred eighty degrees.

Note: It is not required to cover the spindle end, nut and outer flange.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18020, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18025 Use specific safety guards for vertical and angle grinders using Type 6 or Type 11 wheels.

You must:

• Make sure the safety guard:

– Covers the wheel's plane of rotation toward the operator for at least one hundred eighty degrees

– Covers the side of the wheel toward the driving flange for at least one hundred eighty degrees

– Has a skirt which is adjustable to within one-eighth inch of the plane of the surface of the wheel.

• Make sure not to use a "revolving cup guard."

Note: "Cup back bushings" do not substitute for safety guards.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18025, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18030 Use specific safety guards for vertical and angle grinders using Type 27, 28 and 29 wheels.

You must:

• Make sure safety guards:

– Cover the wheel's plane of rotation toward the operator for at least one hundred eighty degrees

– Cover the side of the wheel toward the driving flange for at least one hundred eighty degrees

– Have a lip on the outer edge that:

?Extends beyond the surface of the wheel throughout the one hundred eighty degree coverage

AND

?Curls inward to deflect wheel fragments.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18030, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18035 Use side handles on vertical and angle grinders.

You must:

Use a side handle on all four-inch and larger vertical and angle grinders.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18035, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18040 Make sure abrasive wheels are safe to use.

You must:

• Do the following before mounting a wheel:

– Visually inspect the wheel for cracks or damage

– Perform a ring test for cracks (size and shape of the wheel permitting)

– Make sure the spindle speed of the machine is not greater than the operating speed of the wheel.

• Make sure a damaged or cracked wheel is not mounted or used.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18040, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18045 Mount wheels properly.

You must:

(1) Make sure wheels fit freely on the spindle, wheel sleeves, or adaptors, and remain free under all grinding conditions.

(2) Make sure wheel, blotter and flange surfaces that contact each other are flat and free of foreign particles.

(3) Make sure any reducing bushing used in the wheel hole:

• Fits freely on the spindle and maintains proper clearance • Does not exceed the width of the wheel or contact the flanges.

(4) Make sure that multiple wheels mounted between a single set of flanges are either:

• Cemented together

OR

• Separated by spacers that have a diameter and bearing surface that is the same as the mounting flanges.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18045, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18050 Use proper flanges.

You must:

• Mount all abrasive wheels between flanges that have a diameter at least one-third the diameter of the wheel.

Exemption:

• Mounted wheels

• Cup, cone or plug wheels with threaded inserts or projecting studs

• Abrasive disc wheels (inserted nut, inserted washer and projecting stud type)

• Plate mounted wheels

• Cylinder, cup, or segmental wheels mounted in chucks

• Types 27, 28 and 29 wheels

• Internal wheels less than two inches in diameter

• Modified Type 6 and 11 wheels (terrazzo)

• Types 1 and 27A cutting-off wheels.

You must:

• Make sure flanges are:

– Dimensionally accurate

– Properly balanced

– Flat

– Free of rough surfaces or sharp edges.

• Make sure, if a wheel is mounted between two flanges, that both flanges:

– Are the same diameter

– Have equal bearing surfaces.

Exemption:

The following wheels do not require same diameter, equal bearing surface flanges:

• Types 27, 28, and 29 wheels with adaptors

• Modified Types 6 and 11 wheels with tapered K dimension

• Internal wheels less than two inches in diameter.

You must:

• Make sure the driving flange is:

– Part of the spindle

OR

– Securely fastened to the spindle.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18050, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18055 Make sure flanges are in good condition.

You must:

• Make sure flange bearing surfaces are in good condition.

• Replace or remachine any flange with a mounting surface that has any of the following problems:

– Warped

– Burred on the bearing surface

– Excessively worn (thickness or diameter)

– Out of true.

Note: Flanges that are refaced or trued need to satisfy minimum dimension requirements specified in ANSI B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18055, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18060 Use specific flanges for Type 1 cutting-off wheels.

You must:

• Mount Type 1 cutting-off wheels between flanges that are:

– Properly relieved with matching bearing surfaces

– At least one-quarter the wheel diameter.

Note: American National Standards Institute (ANSI) B7.1-2000, Safety Requirements for the Use, Care and Protection of Abrasive Wheels, has specific exemptions for some reinforced, bonded abrasive cutting-off wheels and steel centered, diamond cutting-off wheels. These wheels are primarily used for masonry cutting and concrete sawing.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18060, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18065 Use specific flanges for Type 27A cutting-off wheels.

You must:

• Mount Type 27A cutting-off wheels between flanges that are:

– Flat (unrelieved) with matching bearing surfaces

– At least one-quarter the wheel diameter.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18065, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18070 Use specific flanges for threaded hole wheels.

You must:

• Use a back flange to mount threaded hole wheels that is:

– Flat (unrelieved)

– Securely fastened and square to the spindle axis

– Able to properly support the wheel.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18070, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18075 Use specific flanges for cup, cone or plug wheels with threaded inserts or projecting studs.

You must:

• Mount cup, cone or plug wheels with threaded inserts or projecting studs against a straight, unrelieved flange.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18075, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18080 Use blotters when required.

You must:

• Use a blotter between each flange and the abrasive wheel surface to uniformly distribute flange pressure.

• Make sure the blotter covers the entire flange contact area.

• Use a new blotter each time a wheel is mounted unless the wheel has a blotter already attached to it by the manufacturer.

• Make sure scuffed or damaged blotters are not used.

Exemption:

You do not need to use a blotter with:

• Mounted wheels

• Abrasive disc and Type 2 wheels which are mounted by inserted nuts, inserted washers, or projecting studs

• Plate mounted wheels

• Wheels mounted in chucks (such as cylinders and segmental wheels)

• Types 27, 28 and 29 wheels

• Type 1 and Type 27A cutting-off wheels

• Internal wheels less than two inches in diameter

• Diamond and cubic boron nitride wheels with metal or carbon fiber cores.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18080, filed 4/4/03, effective 8/1/03.]

WAC 296-807-18085 Meet specific blotter requirements when using modified Types 6 and 11 wheels (terrazzo).

You must:

• Mount modified Types 6 and 11 wheels (terrazzo) with a blotter applied to the flat side of the wheel only.

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-18085, filed 4/4/03, effective 8/1/03.]

WAC 296-807-190 Definitions.

Abrasive wheel. A grinding tool consisting of bonded abrasive grains. This includes diamond and reinforced wheels.

Blind hole. A hole drilled in an object, such as an abrasive wheel, that does not go all the way through.

Blotter. A compressible disc or washer, usually of blotting paper, plastic, cardboard, or gasket material, that is used between the wheel and the flanges to evenly distribute flange pressure on the wheel.

Cone and plug wheels (Types 16, 17, 18, 18R, and 19). Abrasive wheels manufactured with blind hole threaded bushings. They may be used on all surfaces except the flat mounting surface (D). Specific characteristics of the different cone and plug wheels are:

• Type 16 cones have a curved side with a nose radius

• Type 17 cones have straight sides with or without a nose radius

• Type 18 and 18R plug wheels are cylindrical in shape with either a square or curved grinding end

• Type 19 cone wheels are a combination of cone and plug shapes

Cutting-off wheels. Abrasive wheels used to cut material such as masonry, pipe, etc.

Designated person. A person selected or assigned by the employer or the employer's representative as competent to perform specific duties.

Discharge opening. An opening in a mower housing for discharging grass.

Flanges. Collars, discs or plates between or against which wheels are mounted. There are four types of flanges:

• Adaptor

• Sleeve

• Straight relieved

• Straight unrelieved.

Grass catcher. Parts or a combination of parts to collect grass clippings or debris.

Guard (abrasive wheels). An enclosure designed to restrain the pieces of an abrasive wheel and furnish protection to the operator if the wheel is broken during operation.

Guard. A part or assembly to prevent accidental contact with hazardous machine parts or to protect persons from other hazards created by the machinery.

Inorganic bonded wheel. Abrasive wheels that are bonded by means of inorganic material such as clay, glass, porcelain, sodium silicate, magnesium oxychloride, or metal.

Jack. A portable hand- or power-operated mechanism for lifting, lowering or moving horizontally a load by applying a pushing force.

Modified Types 6 and 11 wheels (terrazzo). Similar to Type 6 "straight cup" wheels and Type 11 "flaring cup" wheels except for the bottom of the cup. The bottom of the cup is flat in Type 6 and 11 wheels. The modified wheels have bottoms that are sloped downwards towards the mounting hole. These modified wheels need to be mounted using a special tapered flange furnished by the tool manufacturer. These wheels are used in the terrazzo trade.

Mounted wheels. Bonded abrasive wheels of various shapes, usually two inches diameter or smaller, that are secured to plain or threaded steel mandrels.

Normal service (jacks). Raising or lowering axial loads that are eighty-five percent or less of the rated load under controlled conditions.

Organic bonded wheels. Abrasive wheels that are bonded by means of organic material such as resin, rubber, shellac, or other similar bonding agent.

Rated load. The maximum load that the jack is designed to lift or support.

Reinforced wheels. Organic bonded abrasive wheels which have webbing, fabric or filament to provide resistance to complete breaking of the wheel should it become cracked or damaged.

Terrazzo. A material of stone chips, such as marble, set in mortar and polished.

Threaded hole wheels. Abrasive wheels that have one central threaded bushing, securely anchored in place. They are mounted by being screwed onto a threaded machine spindle so that the wheel back seats firmly against an unrelieved flat back flange.

Tuck pointing wheels. Tuck pointing abrasive wheels are Type 1 reinforced, organic bonded wheels and have diameter, thickness and hole size dimensions. They are used to remove cement, mortar, or other nonmetallic jointing material.

Type 1 wheel. An abrasive wheel shaped like a disc with a mounting hole in the middle. Sometimes called a "straight wheel." It has diameter (D), thickness (T), and hole size (H) dimensions. Grinding is normally done on the periphery (outside curve) of the wheel (T dimension). Can be used for grinding, cutting-off, and tuck pointing.

Type 2 wheel. An abrasive wheel shaped like an open-ended, hollow cylinder. Sometimes called a cylinder wheel. It has diameter (measured from the outer wall of the cylinder), wheel thickness (height of the cylinder), and rim thickness (thickness of the cylinder wall). Grinding is done on the end of the cylinder (rim thickness dimension).

Type 6 wheel. An abrasive wheel shaped like a straight-sided cup or bowl with a mounting hole in the bottom of the cup. Sometimes called a "cup wheel." It has diameter (D), thickness (T), hole size (H), rim thickness (W), and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

Type 11 wheel. An abrasive wheel shaped like a cup or bowl with a mounting hole in the bottom of the cup. The sides of the cup are not straight-sided but are angled outward. Sometimes called a "flaring cup wheel" since the sides are "flared" out. It has double diameter dimensions (top D and bottom J). It also has thickness (T), hole size (H), rim thickness (W) and back thickness (E) dimensions. Grinding is normally done on the cup rim (W dimension).

Type 16, 17, 18, 18R, and 19 wheels. See cone and plug wheels.

Type 27 wheel. An abrasive wheel similar to a Type 1 wheel, but the center of the wheel around the mounting hole is pushed back (depressed). Sometimes called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding on the flat surface of the wheel without interference from the flange or mounting hardware.

Type 27A cutting-off wheel. Similar to a Type 27 wheel. Specifically designed for use on cutting-off machines.

Type 28 wheel. An abrasive wheel similar to a Type 27 wheel, but the face of the wheel is angled upward and away from the mounting hole. The face of a Type 27 wheel is flat and perpendicular to the mounting hole. A Type 28 wheel is also called a "depressed center" wheel. It has diameter (D), thickness (U) and hole size (H) dimensions. The depressed center allows grinding without interference from the mounting. A Type 28 wheel has a saucer-shaped grinding rim and is designed for corner grinding and side grinding.

Type 29 wheel. An abrasive wheel that has reversed, saucer-shaped grinding rims (similar to a partially opened umbrella).

[Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 03-09-009, § 296-807-190, filed 4/4/03, effective 8/1/03.]

Chapter 296-817 WAC
HEARING LOSS PREVENTION (NOISE)

WAC

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296-817-40035 Make sure audiometric testing equipment meets these requirements.
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296-817-50015 Assess the hearing protection used by each employee during audits.
296-817-50020 Document your hearing protection audits.
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296-817-600 Noise definitions.

WAC 296-817-100 Scope.

The purpose of this chapter is to:

• Prevent employee hearing loss by minimizing employee noise exposures

AND

• Make sure employees exposed to noise are protected.

These goals are accomplished by:

• Measuring and computing the employee noise exposure from all equipment and machinery in the workplace, as well as any other noise sources in the work area

• Protecting employees from noise exposure by using feasible noise controls

• Making sure employees use hearing protection, if you cannot feasibly control the noise

• Training employees about hearing loss prevention

• Evaluating your hearing loss prevention efforts by tracking employee hearing or periodically reviewing controls and protection

• Making appropriate corrections to your program.

Use Table 1 to help you determine the hearing loss prevention requirements for your workplace:

Table 1
Noise Evaluation Criteria

Criteria	Description	Requirements
85 dBA TWA_8	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program	– Hearing protection – Training – Audiometric testing
90 dBA TWA_8	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace	– Noise controls **AND** – Hearing protection – Training – Audiometric testing
115 dBA measured using slow response	Extreme noise level (greater than one second in duration)	– Hearing protection – Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration)	Hearing protection

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-100, filed 5/19/03, effective 8/1/03.]

WAC 296-817-200 Summary.

Your responsibility:

To prevent employee hearing loss by minimizing, and providing protection from, noise exposures.

You must:

Conduct employee noise exposure monitoring

WAC 296-817-20005

Control employee noise exposures that equal or exceed 90 dBA TWA_8

WAC 296-817-20010

Make sure employees use hearing protection when their noise exposure equals or exceed 85 dBA TWA_8

WAC 296-817-20015

Make sure exposed employees receive training about noise and hearing protection

WAC 296-817-20020

Make sure warning signs are posted for areas with noise levels that equal or exceed 115 dBA

WAC 296-817-20025

Arrange for oversight of audiometric testing

WAC 296-817-20030

Identify and correct deficiencies in your hearing loss prevention program

WAC 296-817-20035

Document your hearing loss prevention activities

WAC 296-817-20040.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-200, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20005 Conduct employee noise exposure monitoring.

You must:

• Conduct employee noise exposure monitoring to determine the employee's actual exposure when reasonable information indicates that any employee's exposure may equal or exceed 85 dBA TWA_8.

Note:
• Representative monitoring may be used where several employees perform the same tasks in substantially similar conditions
• Examples of information or situations that can indicate exposures which equal or exceed 85 dBA TWA_8, include:
• Noise in the workplace that interferes with people speaking, even at close range
• Information from the manufacturer of equipment you use in the workplace that indicates high noise levels for machines in use
• Reports from employees of ringing in their ears or temporary hearing loss
• Warning signals or alarms that are difficult to hear
• Work near abrasive blasting or jack hammering operations
• Use of tools and equipment such as the following:
– Heavy equipment or machinery
– Fuel-powered hand tools
– Compressed air-driven tools or equipment in frequent use
– Power saws, grinders or chippers
– Powder-actuated tools.

You must:

• Follow applicable guidance in WAC 296-817-300 when conducting noise exposure monitoring

• Make sure your sampling for noise exposure monitoring identifies:

– All employees whose exposure equals or exceeds the following:

? 85 dBA TWA_8 (noise dosimetry, providing an average exposure over an eight-hour time period)

? 115 dBA (slow response sound level meter, identifying short-term noise exposures)

? 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

– Exposure levels for selection of hearing protection.

• Provide exposed employees and their representatives with an opportunity to observe any measurements of employee noise exposure that are conducted

• Notify each employee whose exposure equals or exceeds 85 dBA TWA_8 of the monitoring results within five working days of when you receive the results

• Conduct additional noise monitoring whenever a change in production, process, equipment or controls, may reasonably be expected to result in:

– Additional employees whose exposure equals or exceeds 85 dBA TWA_8

– Employees exposed to higher level of noise requiring more effective hearing protection

Note: Conditions that may be expected to increase exposure include:
• Adding machinery to the work area
• Increasing production rates
• Removal or deterioration of noise control devices
• Increased use of noisy equipment
• Change in work schedule
• Change of job duties.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20005, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20010 Control employee noise exposures that equal or exceed 90 dBA TWA_8.

IMPORTANT:

Hearing protection provides a barrier to noise and protects employees but is not considered a control of the noise hazard. Separate requirements apply to hearing protection and are found in WAC 296-817-20015.

You must:

• Reduce employee noise exposure, using feasible controls, wherever exposure equals or exceeds 90 dBA TWA_8.

Note: • Once noise exposures are brought below 90 dBA TWA_8, no further reduction is required. However, further reduction of noise may reduce the need for other hearing loss prevention requirements
• Controls that eliminate noise at the source or establish a permanent barrier to noise are typically more reliable. For example:
– Replacing noisy equipment with quiet equipment
– Using silencers and mufflers
– Installing enclosures
– Damping noisy equipment and parts.
• Other controls and work practices may also be useful for reducing noise exposures. Examples include:
– Employee rotation
– Limiting use of noisy equipment
– Rescheduling work.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20010, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20015 Make sure employees use hearing protection when their noise exposure equals or exceeds 85 dBA TWA_8.

You must:

• Make sure employees wear hearing protectors that will provide sufficient protection when exposure equals or exceeds:

– 85 dBA TWA_8 (noise dosimetry, providing an average exposure over an eight-hour time period)

– 115 dBA (slow response sound level meter, identifying short-term noise exposures)

– 140 dBC (fast response sound level meter, identifying almost instantaneous noise exposures).

• Provide employees with an appropriate selection of hearing protectors:

– The selection must include at least two distinct types (such as molded earplugs, foam earplugs, custom-molded earplugs, earcaps, or earmuffs) for each exposed employee and must be sufficient to cover:

?Different levels of hearing protection needed in order to reduce all employee exposures to a level below 85 dBA TWA_8

?Different sizes

?Different working conditions.

– Consider requests of the employees regarding:

?Physical comfort

?Environmental conditions

?Medical needs

?Communication requirements.

Note: Hearing protector selection should include earplugs, earcaps and earmuffs.

You must:

• Provide hearing protection at no cost to employees

• Supervise employees to make sure that hearing protection is used correctly

• Make sure hearing protectors are:

– Properly chosen for fit

– Replaced as necessary.

• Make sure all hearing protection is sufficient to reduce the employee's equivalent eight-hour noise exposure to 85 dBA or less. When using the A-weighted exposure measurements, reported as "dBA TWA_8," the reduction in noise exposure by hearing protectors is given by Table 2:

Table 2
Effective Protection of Hearing Protectors

Type of hearing protection	Effective protection
Single hearing protection (earplugs, earcaps or earmuffs)	7 dB less than the manufacturer assigned noise reduction rating (NRR); for example, earplugs with an NRR of 20 dB are considered to reduce employee exposures of 95 dBA TWA_8 to 82 dBA TWA_8
Dual hearing protection (earplug and earmuff worn together)	2dB less than the higher NRR of the two protectors; for example, earplugs with an NRR of 20 dB and earmuffs with an NRR of 12 dB are considered to reduce employee exposures of 100 dBA TWA_8 to 82 dBA TWA_8

• In addition to protection based on daily noise dose, make sure hearing protection has an NRR of at least 20 dB when exposures involve noise that equals or exceeds 115 dBA (slow response sound level meter) or 140 dBC (fast response sound level meter).

Note: You may also evaluate hearing protection by using the other methods given in the NIOSH *Compendium of Hearing Protection* (NIOSH Publication No. 95-105). These methods require additional monitoring and are more complex, but provide a more thorough evaluation of protection. This may be useful in cases where communication is critical or for evaluating hearing protection for employees with hearing impairment.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-060. 03-11-060, § 296-817-20015, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20020 Make sure exposed employees receive training about noise and hearing protection.

You must:

• Train all employees whose noise exposure equals or exceeds 85 dBA TWA_8

• Provide training when an employee is first assigned to a position involving noise exposure that equals or exceeds 85 dBA TWA_8 **and** at least annually after that

• Update information provided in the training program to be consistent with changes in controls, hearing protectors and work processes

• Make sure your noise and hearing protection training includes:

– The effects of noise on hearing (including both occupational and nonoccupational exposures)

– Noise controls used in your workplace

– The purpose of hearing protectors: The advantages, disadvantages, and attenuation of various types

– Instructions about selecting, fitting, using, and caring for hearing protection

– The purpose and procedures for program evaluation including audiometric testing and hearing protection auditing when you choose to rely upon auditing (see WAC 296-817-500)

– The employees' right to access records kept by the employer.

• Maintain a written program describing initial and refresher training.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20020, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20025 Make sure warning signs are posted for areas where noise levels equal or exceed 115 dBA.

You must:

• Make sure warning signs are posted at the entrances or boundaries of all well-defined work areas where employees may be exposed to noise that equals or exceeds 115 dBA (measured using a sound level meter with slow response).

– Warning signs must clearly indicate that the area is a high noise area and that hearing protectors are required.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20025, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20030 Arrange for oversight of audiometric testing.

You must:

• Make sure audiometric testing as described by WAC 296-817-400 is supervised and reviewed by one of the following licensed or certified individuals:

– An audiologist

– An otolaryngologist

– Another qualified physician.

• Make sure audiograms are conducted by one of the above individuals or by a technician certified by the Council of Accreditation in Occupational Hearing Conservation (CAOHC) and responsible to a qualified reviewer.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20030, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20035 Identify and correct deficiencies in your hearing loss prevention program.

You must:

• Use audiometric testing to identify hearing loss, which may indicate program deficiencies

• Take appropriate actions when deficiencies are found with your program.

– A deficiency may be indicated when:

? Any employee experiences measurable hearing loss indicated by a standard threshold shift

OR

? Any employee is not wearing appropriate hearing protection during an audit when auditing is used in place of baseline audiograms for short term employees (see WAC 296-817-500, Option to audiometric testing).

Note: A standard threshold shift or audit deficiency does not necessarily indicate that a significant hearing loss has occurred. These criteria are intended to help identify where there may be flaws in your hearing loss prevention program that can be fixed before permanent hearing loss occurs.

There are additional statistical tools and tests that may be used to improve the effectiveness of your program. Staff conducting audiometric testing and auditing may be able to suggest additional ways to improve your hearing loss prevention program and tailor it to your worksite.

You must:

• Evaluate the following, at a minimum, when responding to a standard threshold shift:

– Employee noise exposure measurements

– Noise controls in the work area

– The selection of hearing protection available and refit employees as necessary

– Employee training on noise and the use of hearing protection and conduct additional training as necessary.

Reference: You may use the option of auditing hearing protection (see WAC 296-817-500) for employees hired or transferred to jobs with noise exposure for less than one year. You may also use audiograms provided by a third-party hearing loss prevention program in some circumstances. Details of these program options are found in WAC 296-817-500, Options to audiometric testing.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20035, filed 5/19/03, effective 8/1/03.]

WAC 296-817-20040 Document your hearing loss prevention activities.

You must:

• Create and retain records documenting noise exposures. Include, at a minimum:

– Exposure measurements required by this chapter for at least two years and for as long as you rely upon them to determine employee exposure

– Audiometric test records for the duration of employment for the affected employees

– Hearing protection audits, if you choose to rely upon them, for the duration of employment of the affected employees.

Note: • You need to keep as complete a record as possible. Records developed under previous rules or in other jurisdictions need to be kept, even when they do not fulfill the full requirements of this chapter. Similarly, records found to have errors in collection or processing need to be kept if they provide an indication of employee exposure or medical condition not found in other records

• You may want to consider your other business needs, such as worker's compensation claims management, before discarding these records.

Reference: You need to follow additional requirements for records considered employee exposure or medical records. See chapter 296-62 WAC, Part B, Access to records for requirements for access to records, employee rights, and transfer of records.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-20040, filed 5/19/03, effective 8/1/03.]

WAC 296-817-300 Summary.

Your responsibility:

Conduct noise monitoring or measurement to evaluate employee exposures in your workplace.

You must:

Make sure that noise-measuring equipment meets recognized standards

WAC 296-817-30005

Measure employee noise exposure

WAC 296-817-30010

Use these equations when estimating full-day noise exposure from sound level measurements

WAC 296-817-30015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-300, filed 5/19/03, effective 8/1/03.]

WAC 296-817-30005 Make sure that noise-measuring equipment meets recognized standards.

You must:

• Make sure that noise dosimetry equipment meets these specifications:

– Dosimeters must be equipment class 2AS-90/80-5 of the American National Rule Specification for Personal Noise Dosimeters, ANSI S1.25-1991, such dosimeters are normally marked "Type 2."

Note: Make sure any dosimeter you use is Type 2 equipment that:
• Uses slow integration and A-weighting of sound levels.
• Has the **criterion level** set to 90 dB, so the dosimeter will report a constant 8-hour exposure at 90 dBA as a 100% dose.
• Has the **threshold level** set at 80 dB, so the dosimeter will register all noise above 80 dB.
• Uses a 5 dB **exchange rate** for averaging of noise levels over the sample period.

You must:

• Make sure that sound level meters meet these specifications:

– American National Standard Specification for Sound Level Meters, S1.4-1984, Type 2 requirements for sound level meters, such sound level meters are normally marked "Type 2."

? For continuous noise measurements, the meter must be capable of measuring A-weighted sound levels with slow response

? For impulse or impact noise measurements, the meter must be capable of indicating maximum C-weighted sound level measurements with fast response.

• Calibrate dosimeters and sound level meters used to monitor employee noise exposure:

– Before and after each day's use

AND

– Following the instrument manufacturer's calibration instructions.

Note: • You may conduct dosimetry using an exchange rate less than 5 dB and compare the results directly to the noise evaluation criteria in Table 1
• For measuring impulse and impact noise you may also use a sound level meter set to measure maximum impulse C-weighted sound levels or peak C-weighted sound levels.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-30005, filed 5/19/03, effective 8/1/03.]

WAC 296-817-30010 Measure employee noise exposure.

IMPORTANT:

A noise dosimeter is the basis for determining total daily noise exposure for employees. However, where you have constant noise levels, you may estimate employee noise exposure using measurements from a sound level meter. Calculation of the employee noise exposure must be consistent with WAC 296-817-30015.

You must:

• Include all:

– Workplace noise from equipment and machinery in use

– Other noise from sources necessary to perform the work

– Noise outside the control of the exposed employees.

• Use a noise dosimeter when necessary to measure employee noise dose

• Use a sound level meter to evaluate continuous and impulse noise levels

• Identify all employees whose exposures equal or exceed the Noise Evaluation Criteria in Table 1:

Table 1
Noise Evaluation Criteria

Criteria	Description	Requirements
85 dBA TWA_8	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must have a hearing loss prevention program	– Hearing protection – Training – Audiometric testing
90 dBA TWA_8	Full-day employee noise exposure dose. If you have one or more employees whose exposure equals or exceeds this level, you must reduce employee noise exposures in the workplace	Noise controls (in addition to the requirements for 85 dBA TWA_8)
115 dBA measured using slow response	Extreme noise level (greater than one second in duration)	– Hearing protection – Signs posted in work areas warning of exposure
140 dBC measured using fast response	Extreme impulse or impact noise (less than one second in duration)	Hearing protection

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-30010, filed 5/19/03, effective 8/1/03.]

WAC 296-817-30015 Use these equations when estimating full-day noise exposure from sound level measurements.

You must:

• Compute employee's full-day noise exposure by using the appropriate equations from Table 3 "Noise Dose Computation" **when** using a sound level meter to estimate noise dose.

Table 3
Noise Dose Computation

Description	Equation
Compute the noise dose based on several time periods of constant noise during the shift	The total noise dose over the work day, as a percentage, is given by the following equation where C_n indicates the total time of exposure at a specific noise level, and T_n indicates the reference duration for that level. $D = 100*((C_1/T_1) + (C_2/T_2) + (C_3/T_3) + ... + (C_n/T_n))$
The reference duration is equal to the time of exposure to continuous noise at a specific sound level that will result in a one hundred percent dose	The reference duration, T, for sound level, L, is given in hours by the equation: $T = 8/(2^{((L - 90)/5)})$
Given a noise dose as a percentage, compute the equivalent eight-hour time weighted average noise level	The equivalent eight-hour time weighted average, TWA_8, is computed from the dose, D, by the equation: $TWA_8 = 16.61* Log_{10}(D/100) + 90$

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-30015, filed 5/19/03, effective 8/1/03.]

WAC 296-817-400 Summary.

Your responsibility:

To conduct audiometric testing of employees exposed to noise to make sure that their hearing protection is effective.

You must:

Provide audiometric testing at no cost to employees

WAC 296-817-40005

Establish a baseline audiogram for each exposed employee

WAC 296-817-40010

Conduct annual audiograms

WAC 296-817-40015

Review audiograms that indicate a standard threshold shift

WAC 296-817-40020

Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing

WAC 296-817-40025

Make sure a record is kept of audiometric tests

WAC 296-817-40030

Make sure audiometric testing equipment meets these requirements

WAC 296-817-40035.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-400, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40005 Provide audiometric testing at no cost to employees.

You must:

• Provide audiograms, including any required travel or necessary additional examinations or testing, at no cost to exposed employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40005, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40010 Establish a baseline audiogram for each exposed employee.

You must:

• Conduct a baseline audiogram when an employee is first assigned to work involving noise exposures that equal or exceed 85 dBA TWA_8.

– Make sure this audiogram is completed no more than one hundred eighty days after the employee is first assigned

OR

– Make sure employee is covered by a hearing protection audit program (as described by WAC 296-817-500 and available as an alternative only for employees hired for less than one year).

Note: Employers who utilize mobile test units are allowed up to one year to obtain a valid baseline audiogram for each exposed employee. The employees must still be given training and hearing protection as required by this chapter.

You must:

• Make sure employees are not exposed to workplace noise at least fourteen hours before testing to establish a baseline audiogram.

– Hearing protectors may be used to accomplish this.

• Notify employees of the need to avoid high levels of nonoccupational noise exposure (such as loud music, headphones, guns, power tools, motorcycles, etc.) during the fourteen-hour period immediately preceding the baseline audiometric examination.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40010, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40015 Conduct annual audiograms.

You must:

• Conduct annual audiograms for employees as long as they continue to be exposed to noise that equals or exceeds 85 dBA TWA_8.

Note: Annual audiometric testing may be conducted at any time during the work shift. By conducting the annual audiogram during the work shift with the employee exposed to typical noise for their job, the test may record a temporary threshold shift. This makes the test more sensitive to potential hearing loss and may help you improve employee protection before a permanent threshold shift occurs. A suspected temporary shift is one reason an employer may choose to retest employee hearing.

You must:

• Make sure each employee is informed of the results of his or her audiometric test.

– Include whether or not there has been a hearing level decrease or improvement since their previous test.

• Make sure each employee's annual audiogram is compared to his or her baseline audiogram by an audiologist, otolaryngologist, another qualified physician, or the technician conducting the test to determine if a standard threshold shift has occurred.

– If the annual audiogram indicates that an employee has suffered a standard threshold shift, you may obtain a retest within thirty days and consider the results of the retest as the annual audiogram.

• Make sure that an audiologist, otolaryngologist, or other qualified physician sees any annual audiogram that indicates a standard threshold shift.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40015, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40020 Review audiograms that indicate a standard threshold shift.

You must:

• Make sure the health care professional supervising audiograms has:

– A copy of this chapter

– The baseline audiogram and most recent audiogram of the employee to be evaluated

– Background noise level records for the testing room

– Calibration records for the audiometer.

• Obtain an opinion from the health care professional supervising audiograms as to whether the audiograms indicate possible occupational hearing loss and any recommendations for changes in hearing protection

• Pay for any clinical audiological evaluation or otological examination required by the reviewer, if:

– Additional review is necessary to evaluate the cause of hearing loss

OR

– If there is indication of a medical condition of the ear caused or aggravated by the wearing of hearing protectors.

• Inform the employee in writing of the existence of a standard threshold shift within twenty-one calendar days of the determination.

• Make arrangements for the reviewer to communicate to the employee any suspected medical conditions that are found unrelated to your workplace. This information is confidential and must be handled appropriately.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40020, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40025 Keep the baseline audiogram without revision, unless annual audiograms indicate a persistent threshold shift or a significant improvement in hearing.

You must:

• Keep the baseline audiogram without revision, unless a qualified reviewer determines:

– The standard threshold shift revealed by the audiogram is persistent

OR

– The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40025, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40030 Make sure a record is kept of audiometric tests.

You must:

• Retain a legible copy of all employee audiograms conducted under this chapter.

– Make sure the record includes:

?Name and job classification of the employee

?Date of the audiogram

?The examiner's name

?Date of the last acoustic or exhaustive calibration of the audiometer

?Employee's most recent noise exposure assessment

? The background sound pressure levels in audiometric test rooms.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40030, filed 5/19/03, effective 8/1/03.]

WAC 296-817-40035 Make sure audiometric testing equipment meets these requirements.

You must:

• Use pure tone, air conduction, hearing threshold examinations, with test frequencies including as a minimum 500, 1000, 2000, 3000, 4000, and 6000 Hz

– Tests at each frequency must be taken separately for each ear

– Supra-aural headphones must be used.

• Conduct audiometric tests with audiometers (including microprocessor audiometers) that meet the specifications of, and are maintained and used according to, American National Standard Specification for Audiometers, S3.6-1996

• Check the functional operation of the audiometer each day before use by doing all of the following:

– Make sure the audiometer's output is free from distorted or unwanted sound

– Test either a person with known, stable hearing thresholds or a bio-acoustic simulator

– Perform acoustic calibration for deviations of 10 dB or greater.

• Audiometer calibration must be checked acoustically at least annually to verify continued conformance with ANSI S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from this check

• An exhaustive calibration must be performed at least every two years according to the American National Standard Specification for Audiometers, S3.6-1996. Test frequencies below 500 Hz and above 6000 Hz may be omitted from the calibration.

• Provide audiometric test rooms that meet the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms using the following table of maximum ambient sound pressure levels:

Table 4
Maximum Ambient Sound Pressure Levels

Frequency (Hz)	500	1000	2000	4000	8000
Sound Pressure Level (dB)	40	40	47	57	62

Note: The American Industrial Hygiene Association and National Hearing Conservation Association recommend conducting audiograms using the requirements of ANSI S3.1-1999 American National Standard Maximum Permissible Ambient Noise Levels for Audiometric Test Rooms with adjustments at only 500 Hz and below.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-40035, filed 5/19/03, effective 8/1/03.]

WAC 296-817-500 Summary.

Your responsibility:

This section provides options to baseline audiometric testing for employees assigned to duties with noise exposures for **less than one year.** These program options may also be used to provide added assessment of longer-term employees in addition to audiometric testing.

The requirements of this section apply only if you decide to use auditing or a third-party hearing loss prevention program and do not conduct baseline audiometric testing for those employees.

Hearing Protection Audits

You must:

Conduct hearing protection audits at least quarterly

WAC 296-817-50005

Make sure staff conducting audits are properly trained

WAC 296-817-50010

Assess the hearing protection used by each employee during audits

WAC 296-817-50015

Document your hearing protection audits

WAC 296-817-50020

Third-Party Audiometric Testing

You must:

Make sure third-party hearing loss prevention programs meet the following requirements

WAC 296-817-50025

IMPORTANT:

Hearing protection audits are a tool for use in evaluating your hearing loss prevention program in cases where audiometric testing does not provide a useful measure. For example, if most of your employees are hired on a temporary basis for a few months at a time, audiometric testing may not identify the small changes in hearing acuity that could occur. Auditing provides an alternative to audiometric testing in these cases.

Auditing is not required unless you use it in place of baseline audiometric testing for employees hired for a period of **less than one year** and is permitted as a substitute for audiometric testing only for these employees.

Third-party hearing loss prevention programs are full hearing loss prevention programs and are distinct from audiometric testing provided by third parties as part of your own hearing loss prevention program. These programs may be organized by labor groups, trade associations, labor-management cooperatives, or other organizations to:

• Cover a specific group of employees

OR

• Combine efforts for several employers with common employees.

Although you remain responsible for the program, third-party programs can have at least two benefits over running your own program:

• The audiometric testing is portable between the participating employers so new testing will not be needed when an employee changes employers

• Employees who only work for short periods for any one employer can be monitored under the group program over a longer period of time increasing the effectiveness of the audiometric testing in preventing hearing loss for these employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-500, filed 5/19/03, effective 8/1/03.]

WAC 296-817-50005 Conduct hearing protection audits at least quarterly.

You must:

• Conduct audits at least quarterly to provide a representative assessment of your workplace

– The assessment is representative if it:

? Covers all processes and work activities in your business at full production levels

AND

? Covers all employees present on the audit day.

– If your business is mobile or involves variable processes, auditing may need to be repeated more often than quarterly

– Auditing does not need to be repeated more than monthly as long as a reasonable effort is made to cover:

? The activities with greatest exposure

AND

? As many employees as possible.

• Assess exposures and hearing protection for the full shift for each employee covered at the time of the audit.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-50005, filed 5/19/03, effective 8/1/03.]

WAC 296-817-50010 Make sure staff conducting audits are properly trained.

You must:

• Make sure staff conducting hearing protection audits:

– Can demonstrate competence in:

? Evaluating hearing protection attenuation

? Evaluating hearing protector choices

? Assessing the correct use of hearing protectors.

– Are certified by the Council for Accreditation in Occupational Hearing Conservation (CAOHC) or have training in the following areas:

? Noise and hearing loss prevention

? Washington state noise regulations

? Hearing protectors

? Fitting of hearing protectors

? Basic noise measurement

? Hearing loss prevention recordkeeping.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-50010, filed 5/19/03, effective 8/1/03.]

WAC 296-817-50015 Assess the hearing protection used by each employee during audits.

You must:

• Confirm that:

– Current site conditions during audits are consistent with conditions existing during noise monitoring

– The hearing protection used by the employee is sufficient and appropriate for the conditions

– The hearing protection is worn properly

– The employees are satisfied with the performance and comfort of the hearing protection.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-50015, filed 5/19/03, effective 8/1/03.]

WAC 296-817-50020 Document your hearing protection audits.

You must:

• Keep a record of audit results for each employee assessed for the length of their employment and for the length of time you will rely upon the audit results

• Include the following information in the record:

– The make and model of the hearing protectors

– The size of the protectors

– Average noise exposure of the employee

– Any problems found with use of the hearing protection

– Any comments or complaints from the employee regarding the hearing protection.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-50020, filed 5/19/03, effective 8/1/03.]

WAC 296-817-50025 Make sure third-party hearing loss prevention programs meet the following requirements.

IMPORTANT:

Third-party hearing loss prevention programs are intended:

• For short-term employees hired or assigned to duties having noise exposures **for less than one year**

AND

• **For seasonal employees.**

However, other employees may be included as long as you meet all requirements for hearing loss follow-ups and recordkeeping.

You must:

• Make sure that the third-party program is:

– Equivalent to an employer program as required by this chapter

AND

– Uses audiometric testing to evaluate hearing loss.

• Make sure a licensed or certified audiologist, otolaryngologist, or other qualified physician administers the third-party program

• Make sure the third-party program has written procedures for:

– Communicating with participating employers of program requirements

– Follow-up procedures for detected hearing loss

– Annual review of participating employer programs.

• Make sure the following program elements are corrected by you or the third-party program when deficiencies are found:

– Noise exposures

– Hearing protection

– Employee training

– Noise controls.

• Obtain a review of your hearing loss prevention program at least once per year, conducted by the third-party program administrator or their representative, in order to:

– Identify any tasks needing a revised selection of hearing protection

AND

– Provide an overall assessment of the employers' hearing loss prevention activities.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-11-060, § 296-817-50025, filed 5/19/03, effective 8/1/03.]

WAC 296-817-600 Noise definitions.

A-weighted - An adjustment to sound level measurements that reflects the sensitivity of the human ear. Used for evaluating continuous or average noise levels.

Audiogram - A chart, graph, or table resulting from an audiometric test showing an individual's hearing threshold levels as a function of frequency.

Audiologist - A professional, specializing in the study and rehabilitation of hearing, who is certified by the American Speech, Hearing, and Language Association, or the American Academy of Audiology, and is licensed by the state board of examiners.

Baseline audiogram - The audiogram against which future audiograms are compared. The baseline audiogram is collected when an employee is first assigned to work with noise exposure. The baseline audiogram may be revised if persistent standard threshold shift (STS) of improvement is found.

Continuous noise - Noise with peaks spaced no more than one second apart. Continuous noise is measured using sound level meters and noise dosimeters with the slow response setting.

Criterion sound level - A sound level of ninety decibels. An eight-hour exposure to constant 90 dBA noise is a one hundred percent noise dose exposure.

C-weighted - An adjustment to sound level measurements that evenly represents frequencies within the range of human hearing. Used for evaluating impact or impulse noise.

Decibel (dB) - Unit of measurement of sound level. A-weighting, adjusting for the sensitivity of the human ear, is indicated as "dBA." C-weighting, an even reading across the frequencies of human hearing, is indicated as "dBC."

Fast response - A setting for a sound level meter that will allow the meter to respond to noise events of less than one second. Used for evaluating impulse and impact noise levels.

Hertz (Hz) - Unit of measurement of frequency, numerically equal to cycles per second.

Impulsive or impact noise - Noise levels which involve maxima at intervals greater than one second. Impulse and impact noise are measured using the fast response setting on a sound level meter.

Noise dose - The total noise exposure received by an employee during their shift. It can be expressed as a percentage indicating the ratio of exposure received to the noise exposure received in an eight-hour exposure to constant noise at 90 dBA. It may also be expressed as the sound level that would produce the equivalent exposure during an eight-hour period (TWA_8).

Noise dosimeter - An instrument that integrates a function of sound pressure over a period of time in such a manner that it directly indicates a noise dose.

Occupational hearing loss - A reduction in the ability of an individual to hear either caused or contributed to by exposure in the work environment.

Otolaryngologist - A physician specializing in diagnosis and treatment of disorders of the ear, nose and throat.

Permanent threshold shift - A hearing level change that has become persistent and is not expected to improve.

Qualified reviewer - An audiologist, otolaryngologist, or other qualified physician who has experience and training in evaluating occupational audiograms.

Slow response - A setting for sound level meters and dosimeters in which the meter does not register events of less than about one second. Used for evaluating continuous and average noise levels.

Sound level - The intensity of noise as indicated by a sound level meter.

Sound level meter - An instrument that measures sound levels.

Standard threshold shift (STS) - A hearing level change, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear.

Temporary threshold shift - A hearing level change that improves. A temporary threshold shift may occur with exposure to noise and hearing will return to normal within a few days. Temporary threshold shifts can be indicators of exposures that lead to permanent hearing loss.

TWA_8 - Equivalent eight-hour time-weighted average sound level - That sound level, which if constant over an eight-hour period, would result in the same noise dose measured in an environment where the noise level varies.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-11-060, § 296-817-600, filed 5/19/03, effective 8/1/03.]

Chapter 296-823 WAC

OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

WAC

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WAC 296-823-100 Scope. This chapter provides requirements to protect employees from exposure to blood or other potentially infectious materials (OPIM) that may contain bloodborne pathogens. Examples of bloodborne pathogens are the human immunodeficiency virus (HIV) and hepatitis B virus (HBV).

This chapter applies to you if you have employees with occupational exposure to blood or OPIM, even if no actual exposure incidents have occurred.

Definitions:

Occupational exposure. Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Parenteral contact. When mucous membranes or skin is pierced by needlesticks, human bites, cuts, or abrasions.

Regulated waste. Regulated waste is any of the following:

• Liquid or semiliquid blood or other potentially infectious materials (OPIM)

• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed

• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling

• Contaminated sharps

• Pathological and microbiological wastes containing blood or OPIM.

Occupations that are typically covered by this chapter. The following list illustrates a number of jobs typically associated with tasks that involve occupational exposure to blood or OPIM. The absence of a particular job from the list does not suggest that it falls outside the scope of this chapter. At the same time, employees in jobs found on the list are covered only if they have occupational exposure.

• Health care.

– Primary care providers

– Assistants, nurses, nurse practitioners, dental hygienists, and other health care employees in clinics and offices

– Employees of clinical, dental, and diagnostic laboratories

– Housekeepers in health care facilities

– Staff in laundries that provide service to health care facilities

– Tissue bank personnel

– Employees in blood banks and plasma centers who collect, transport, and test blood

– Freestanding clinic employees (for example, hemodialysis clinics, urgent care clinics, health maintenance organization (HMO) clinics, and family planning clinics)

– Employees in clinics in industrial, educational, and correctional facilities

– Staff of institutions for the developmentally disabled

– Hospice employees

– Home health care workers

– Staff of nursing homes and long-term care facilities

– HIV and HBV research laboratory and production facility workers

– Medical equipment service and repair personnel

– Emergency medical technicians, paramedics, and other emergency medical service providers

– Nuclear medical technologists.

• Occupations outside health care.

– Fire fighters, law enforcement personnel, and correctional officers

– Workers in laundries that service public safety institutions

– Employees assigned to provide emergency first aid by their employer (as either a primary or secondary duty)

– Employees who handle or pick up regulated waste (contaminated items with blood or OPIM)

– Hotel/motel employees that clean up blood or OPIM

– Employees of funeral homes and mortuaries.

Regulated waste.

Regulated waste is any of the following:

• Liquid or semiliquid blood or other potentially infectious materials (OPIM)

• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed

• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling

• Contaminated sharps

• Pathological and microbiological wastes containing blood or OPIM.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-100, filed 4/22/03, effective 8/1/03.]

WAC 296-823-110 Planning. Summary.

Your responsibility:

To plan ways to protect your employees from the risk of exposure to blood or other potentially infectious materials.

You must:

Determine if you have employees with occupational exposure

WAC 296-823-11005

Develop and implement a written exposure control plan

WAC 296-823-11010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-110, filed 4/22/03, effective 8/1/03.]

WAC 296-823-11005 Determine if you have employees with occupational exposure.

You must:

• Prepare a written exposure determination if your employees have occupational exposure to blood or other potentially infectious materials (OPIM).

– This determination must be made without considering the use of personal protective equipment (PPE).

• Make sure the exposure determination contains:

– A list of job classifications where all employees have occupational exposure;

– A list of job classifications where some employees have occupational exposure and a description of all tasks and procedures or groups of related tasks and procedures with occupational exposure for these employees.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-11005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-11010 Develop and implement a written exposure control plan.

You must:

• Establish a written exposure control plan designed to eliminate or minimize employee exposure in your workplace.

Note: The elements of your exposure control plan may be located in other documents such as policies and procedures. Make sure to reference their location in your plan.

You must:

• Make sure the plan contains at least the following elements:

– The exposure determination, WAC 296-823-11005

– A procedure for evaluating the circumstances surrounding exposure incidents, including documentation of the routes of exposure, and the circumstances under which the exposure incident happened

– How and when you will implement applicable requirements of this rule.

Note: The implementation dates need to be included only until your exposure control plan is fully implemented or when you are adding new requirements to your plan.

You must:

• Document the infection control system used in your workplace to protect employees from exposure to blood or OPIM.

– Use universal precautions or other at least as effective infection control systems.

Note: Universal precautions is an infection control system that considers the blood and OPIM from all persons as containing a bloodborne disease, whether or not the person has been identified as having a bloodborne disease.

Other effective infection control systems include standard precautions, universal blood-body fluid precautions, and body substance isolation. These methods define all body fluids and substances as infectious. They incorporate not only the fluids and materials covered by universal precautions and this chapter, but expand coverage to include all body fluids and substances.

• Solicit input in the identification, evaluation, and selection of effective safer medical devices. This input must be solicited from nonmanagerial employees responsible for direct patient care with potential exposure to contaminated sharps.

– Document the process you used to solicit input and include the identity of the employees or positions that were involved.

Note: • You are not required to request input from every exposed employee; however, the employees selected must represent the range of exposure situations encountered in the workplace. Your safety committee may assist in identifying employees.
• Although you are required to include nonmanagerial employees, you are not prohibited from soliciting input from managerial and other employees.

You must:

• Make sure the exposure control plan is reviewed and updated:

– At least annually

AND

– Whenever necessary to:

? Reflect new or modified tasks and procedures which affect occupational exposure

? Reflect new or revised job classifications with occupational exposure.

– Reflect changes in technology that eliminate or reduce exposure to bloodborne pathogens

– Document consideration and implementation of appropriate commercially available and effective safer medical devices designed to eliminate or minimize occupational exposure.

• Make sure a copy of the exposure control plan is accessible at the workplace, when exposed employees are present. For example, if the plan is stored only on a computer, all exposed employees must be trained to operate the computer.

• Make sure a copy of the plan is provided to the employee or their representative within fifteen days of their request for a copy.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-11010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-120 Training. Summary.

Your responsibility:

To train your employees about their risk of exposure to bloodborne pathogens and ways to protect themselves.

You must:

Provide training to your employees
WAC 296-823-12005
Provide additional training
WAC 296-823-12010
Maintain training records
WAC 296-823-12015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-120, filed 4/22/03, effective 8/1/03.]

WAC 296-823-12005 Provide training to your employees.

You must:

• Make sure all employees with occupational exposure participate in a training program that is:

– Provided at no cost to them

– Conducted during compensated working hours.

• Provide training when any of the following occur:

– Before assigning tasks where occupational exposure might occur

– At least annually and within one year of the previous training.

• Make sure the content and vocabulary of your training materials are appropriate to the educational level, literacy, and language of your employees

• Make sure the person conducting the required training is knowledgeable about the subject matter as it relates to your workplace

• Make sure the training program contains at least the following elements:

– An accessible copy of this chapter and an explanation of the contents

– A general explanation of the epidemiology and symptoms of bloodborne diseases

– An explanation of how bloodborne pathogens are transmitted

– An explanation of your exposure control plan and how the employee can obtain a copy of the written plan

– An explanation of how to recognize tasks and other activities that could involve exposure to blood and other potentially infectious materials (OPIM)

– An explanation of the use and limitations of methods that will prevent or reduce exposure including:

• Equipment and safer medical devices
• Work practices
• Personal protective equipment

– Information about personal protective equipment (PPE) including:

• The types
• Proper use and limitations
• Selection
• Location
• Putting it on and taking it off
• Handling
• Decontamination
• Disposal

– Information about the hepatitis B vaccine, including:

• Information about its effectiveness
• Safety
• Method of administration
• The benefits of being vaccinated
• Offered at no cost to the employee for the vaccine and vaccination

– Information about what actions to take and persons to contact when exposure to blood or OPIM occurs outside of the normal scope of work

– An explanation of the procedure to follow if an exposure incident occurs, including:

• The method of reporting the incident
• The medical evaluation and follow-up that will be available

– Information about the post-exposure evaluation and follow-up procedure following an exposure incident

– An explanation of the signs and labeling or color-coding required by this chapter

– An opportunity for interactive questions and answers with the trainer at the time of the training session.

Note: This may be person-to-person, by telephone, or by e-mail, as long as the employee can both ask and receive answers during the training session.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-12005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-12010 Provide additional training.

• Provide additional training when you add or change tasks or procedures that affect the employee's occupational exposure.

Note: This training may be limited to the changes in tasks and procedures.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-12010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-12015 Maintain training records.

• Maintain training records for three years from the date of the training

• Include the following information in your training records:

– Dates of the training sessions

– Contents or a summary of the training sessions

– Names and qualifications of persons conducting the training

– Names and job titles of all persons attending the training sessions.

• Provide these employee-training records upon request for examination and copying to any of the following:

– Employees

– Employee representatives.

Helpful tool:

Training documentation

A training documentation form is provided for your use in the resource section of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-12015, filed 4/22/03, effective 8/1/03.]

WAC 296-823-130 Hepatitis B virus (HBV) vaccinations. Summary.

Your responsibility:

To make the vaccination available to your employees so they are protected from the hepatitis B virus (HBV).

You must:

Make hepatitis B vaccination available to employees

WAC 296-823-13005

Obtain a copy of the healthcare professional's written opinion for hepatitis B vaccination and provide it to the employee

WAC 296-823-13010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-130, filed 4/22/03, effective 8/1/03.]

WAC 296-823-13005 Make hepatitis B vaccination available to employees.

You must:

Exemption:

• You are not required to provide the hepatitis B vaccination series to employees who meet any of the following:

– The employee has previously received the complete hepatitis B vaccination series

– An antibody test has revealed that the employee is immune to hepatitis B

– There are medical reasons not to give the vaccine.

• You are not required to provide the hepatitis B vaccination series to employees assigned to provide first aid only as a secondary duty, when you do all of the following:

– Make hepatitis B vaccination available to all unvaccinated first-aid providers who render assistance in any situation involving the presence of blood or OPIM.

? Vaccination must be made available as soon as possible, but no later than twenty-four hours after the incident.

– Provide a reporting procedure that ensures all first-aid incidents that involve the presence of blood or OPIM are reported before the end of the work shift

– Document first-aid incidents that involve blood or OPIM, include at least:

?The names of all first-aid providers who rendered assistance

?The time and date of the first-aid incident

?A description of the first-aid incident.

• Make sure that the hepatitis B vaccination series is available to all employees who have occupational exposure and that it is:

– Available at no cost to the employee

– Available to the employee at a reasonable time and location

– Administered by or under the supervision of a licensed physician or by another licensed healthcare professional

– Provided according to recommendations of the United States Public Health Service that are current at the time these evaluations and procedures take place

– Available to any employee who initially declines the vaccination but later decides to accept it while they are still covered by this chapter

– Made available after the employee has received training required by this chapter and within ten working days of initial assignment.

Link:

You can find more information about the United States Public Health Service recommendations for hepatitis B vaccination at http://www.cdc.gov/ncidod/diseases/hepatitis/blindex.htm.

You must:

• Make sure participation in a prevaccination screening program for antibody status is not a condition for receiving hepatitis B vaccination.

• Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (Act) (CLIA).

• Make sure employees who decline the hepatitis B vaccination, offered by you, sign a form with this statement:

"I understand that due to my occupational exposure to blood or other potentially infectious materials I may be at risk of acquiring hepatitis B virus (HBV) infection. I have been given the opportunity to be vaccinated with hepatitis B vaccine, at no charge to myself. However, I decline hepatitis B vaccination at this time. I understand that by declining this vaccine, I continue to be at risk of acquiring hepatitis B, a serious disease. If in the future I continue to have occupational exposure to blood or other potentially infectious materials and I want to be vaccinated with hepatitis B vaccine, I can receive the vaccination series at no charge to me."

Helpful tool:

Sample declination form:

The declination form can help you document employees who have declined the hepatitis B vaccine. You can find a copy of this form in the resource section of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-13005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-13010 Obtain a copy of the healthcare professional's written opinion for hepatitis B vaccination and provide it to the employee.

You must:

• Obtain and provide the employee a copy of the evaluating healthcare professional's written opinion for hepatitis B vaccination within fifteen days of the employee's evaluation.

Note: • If the health care professional provides the written opinion directly to the employee, you do not need to do so.
• If the employee's personal healthcare professional completes the evaluation, you are not required to obtain the healthcare professional's written opinion.

You must:

• Make sure the healthcare professional's written opinion is limited to whether a hepatitis B vaccination is indicated and if the employee has received this vaccination

• Make sure that all other findings or diagnoses remain confidential and are **not** included in the written report.

Reference: Requirements for the healthcare professional's written opinion on post-exposure evaluation can be found in WAC 296-823-16030.

Helpful tool:

Healthcare professional's written opinion for post-exposure evaluation and health care provider's written opinion for hepatitis B vaccination.

These forms are available for your use in the resource section of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-13010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-140 Control employee exposure. Summary.

Your responsibility:

To use feasible controls to eliminate or minimize occupational exposure to blood or other potentially infectious materials (OPIM).

IMPORTANT:

If occupational exposure remains after implementing these controls, personal protective equipment must be used. See WAC 296-823-150, Personal protective equipment.

You must:

Use appropriate equipment and safer medical devices to eliminate or minimize occupational exposure

WAC 296-823-14005

Handle contaminated sharps properly and safely

WAC 296-823-14010

Handle reusable sharps properly and safely

WAC 296-823-14015

Minimize splashing, spraying, splattering and generation of droplets

WAC 296-823-14020

Make sure items are appropriately labeled

WAC 296-823-14025

Make sure employees clean their hands

WAC 296-823-14030

Prohibit food, drink, and other personal activities in the work area

WAC 296-823-14035

Prohibit pipetting or suctioning by mouth

WAC 296-823-14040

Place specimens in an appropriate container

WAC 296-823-14045

Examine and label contaminated equipment

WAC 296-823-14050

Make sure your worksite is maintained in a clean and sanitary condition

WAC 296-823-14055

Handle regulated waste properly and safely

WAC 296-823-14060

Handle contaminated laundry properly and safely

WAC 296-823-14065.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-140, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14005 Use appropriate equipment and safer medical devices to eliminate or minimize occupational exposure.

You must:

• Examine and maintain or replace equipment and safer medical devices on a regular schedule to make sure they remain effective.

Note: • Examples of appropriate equipment that can be used to eliminate or minimize occupational exposure include:
– Sharps containers
– Biosafety cabinets
– Splash guards
– Centrifuge cups
– Specimen storage and transport containers.
• Examples of safer medical devices include:
– Sharps with engineered sharps injury protections (SESIP)
– Needleless systems
– Blunt suture needles
– Plastic capillary tubes.

Definition: **Sharps with engineered sharps injury protections (SESIP)**
A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-14005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14010 Handle contaminated sharps properly and safely.

You must:

• Make sure that you don't bend, recap, or remove contaminated needles or other contaminated sharps **unless** you

can demonstrate that there is no feasible alternative or that it's required by a specific medical or dental procedure.

– Bending, recapping or needle removal must be done by using a mechanical device or a one-handed technique.

Note: Demonstrating that no alternative to bending, recapping, or removing contaminated sharps is feasible, may be accomplished through written justification, supported by reliable evidence, in your exposure control plan.

You must:

– Make sure you don't shear or break contaminated needles.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14015 Handle reusable sharps properly and safely.

You must:

– Place contaminated reusable sharps immediately, or as soon as possible after use, in appropriate containers until properly decontaminated. Containers must be all of the following:

– Puncture resistant

– Labeled or color-coded as described in this chapter

– Leakproof on the sides and bottom

– Meet the same requirements as the container for disposable sharps, except they do not need to be closable.

• Store or process contaminated reusable sharps so employees aren't required to reach into the container or sink by hand

• Make sure reusable sharps containers aren't opened, emptied, or cleaned manually or in any other manner that would expose employees to contaminated sharps.

Reference: Requirements for appropriate labels and color-coding are found in WAC 296-823-14020.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14015, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14020 Minimize splashing, spraying, splattering, and generation of droplets.

You must:

• Make sure all procedures involving blood or OPIM are performed so splashing, spraying, spattering, and generation of droplets are minimized.

– Examples include:

? Appropriate operation and use of recommended controls for surgical power tools, lasers and electrocautery devices

? Use of personal protective equipment when contact with blood or OPIM is reasonably anticipated

? Making sure cleaning procedures do not generate unnecessary splashes, spraying, spattering, or generation of droplets.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14020, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14025 Make sure items are appropriately labeled.

Exemptions: The following are exempt from the labeling requirements of this chapter:

• Individual containers placed in an appropriately labeled secondary container.

• Regulated waste that has been decontaminated.

• Containers of blood, blood components, or blood products that are labeled with their contents and have been released for transfusion or other clinical use.

• Extracted teeth, gallstones, kidney stones, or other tissues and body substances that are given to patients.

You must:

• Attach appropriate labels to:

– Containers used to store, transport, or ship blood or other potentially infectious materials (OPIM) including:

? Refrigerators

? Freezers.

– Sharps containers

– Contaminated equipment

– Laundry bags and containers

– Specimen containers

– Regulated waste containers.

• Make sure that labels:

? Include the following symbol:

Place illustration here.

? Are all or mostly fluorescent orange or orange-red with lettering and symbol in a contrasting color

? Are attached to the container by string, wire, adhesive, or other method so they can't become lost or accidentally removed.

Note: Red bags or red containers may be substituted for labels as long as they're:

• Covered in the exposure control plan

• Communicated to all affected employees (including employees of laundry services, disposal services, and transport companies) whether they're your employees or not.

The label does not always need to be attached to each individual container. For example, a cart carrying specimen containers could be labeled, rather than each individual container.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14025, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14030 Make sure employees clean their hands.

You must:

(1) Provide handwashing facilities that are readily accessible to employees, wherever feasible. If handwashing facilities are not feasible, provide either one of the following:

– Antiseptic towelettes

– Antiseptic hand rub product along with clean cloth/paper towels.

(2) Make sure employees clean their hands as soon as feasible after removing gloves and whenever there is the

potential for contact with blood or other potentially infectious materials (OPIM). Do one of the following:

• Wash with soap and water

• Use an appropriate waterless antiseptic hand rub product or towelettes, provided there are no signs of visible contamination

• Use an appropriate waterless antiseptic hand rub product or towelettes followed by washing with soap and water as soon as possible, when hands are visibly contaminated and handwashing facilities are not immediately available.

Note: An appropriate waterless antiseptic hand rub product is one that contains a 60-95% alcohol solution (isopropanol or ethanol).

You must:

(3) Make sure employees wash any skin with soap and water, or flush mucous membranes with water as soon as feasible following contact with blood or OPIM.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14030, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14035 Prohibit food, drink, and other personal activities in the work area.

You must:

• Make sure eating, drinking, smoking, applying cosmetics or lip balm, and handling contact lenses are prohibited in work areas where there is occupational exposure

• Make sure food and drink are not kept in refrigerators, freezers, shelves, cabinets, or on countertops or benchtops where there is a potential for exposure to blood or other potentially infectious materials (OPIM).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14035, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14040 Prohibit pipetting or suctioning by mouth.

You must:

• Prohibit mouth pipetting or suctioning of blood or other potentially infectious materials (OPIM).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14040, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14045 Place specimens in an appropriate container.

You must:

• Place specimens of blood or other potentially infectious materials (OPIM) in an appropriate container that prevents leakage during collection, handling, processing, storage, transport, or shipping

• Make sure the container is properly labeled or color-coded and closed before being stored, transported, or shipped.

– If outside contamination of the container occurs, the container must be placed inside a second container that prevents leakage and is properly labeled or color-coded

– If the specimen could puncture the container, the container must be placed inside a second container that:

? Is puncture-resistant

? Prevents leakage during handling, processing, storage, transport, or shipping

? Is properly labeled or color-coded.

Exemption: When your facility handles all specimens using universal precautions or other equivalent infection control systems, you don't have to label/color-code specimens as long as the containers can be recognized as containing specimens.

This exemption only applies while these specimens/containers remain within the facility. Proper labeling or color-coding is required when specimens/containers leave the facility.

Reference: Requirements for appropriate labels and color-coding are found in WAC 296-823-14025.

Helpful tool:

Guidance on the handling and storage of criminal evidence

This tool contains information about the handling and storage of criminal evidence. Criminal evidence contaminated with blood or OPIM is considered a specimen under the scope of this chapter. You can find a copy of this tool in the resource section of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14045, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14050 Examine and label contaminated equipment.

You must:

• Examine equipment which could become contaminated with blood or other potentially infectious materials (OPIM) before servicing or shipping.

– Decontaminate this equipment and its parts as necessary unless you can demonstrate that decontamination isn't feasible

– Attach an easily seen biohazard label to the equipment stating which portions remain contaminated.

Reference: Requirements for appropriate labels and color-coding are found in WAC 296-823-14020.

You must:

• Make sure that information on contaminated equipment is communicated to all affected employees, the servicing representative, and the manufacturer as appropriate, prior to handling, servicing, or shipping so that appropriate precautions will be taken.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14050, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14055 Make sure your worksite is maintained in a clean and sanitary condition.

You must:

(1) Develop an appropriate written schedule for cleaning and decontamination based upon the following:

– The location within the facility

– Type of surface to be cleaned

– Type of contamination present

– Tasks or procedures being performed in the area.

(2) Clean and decontaminate environmental and working surfaces and all equipment after contact with blood or other potentially infectious materials (OPIM).

• Decontaminate work surfaces with an appropriate disinfectant at these times:

– After completion of a procedure

– Immediately or as soon as possible when surfaces are clearly contaminated or after any spill of blood or OPIM

– At the end of the workshift if the surface could have become contaminated since the last cleaning.

• Remove and replace protective coverings, such as plastic wrap, aluminum foil, or imperviously backed absorbent paper used to cover equipment and environmental surfaces, as soon as possible when they:

– Clearly become contaminated

– At the end of the workshift if they could have become contaminated during the shift.

• Inspect and clean (on a regularly scheduled basis) all bins, pails, cans, and similar receptacles intended for reuse that have a reasonable likelihood for becoming contaminated with blood or OPIM.

– Clean and decontaminate these types of receptacles immediately or as soon as possible when they are visibly contaminated.

• Use a brush and dustpan, tongs, forceps, or other mechanical means to clean up broken glassware that may be contaminated.

Note: An appropriate disinfectant is one that is effective against tuberculosis or HBV and HIV such as:
• Diluted bleach solution (1:10 or 1:100).
– Use the 1:10 bleach solution for spills and the 1:100 bleach solution for routine cleaning
– You can make your own bleach solution. Using household bleach (5.25% sodium hypochlorite) follow these directions:
• For a 1:100 solution add 2 teaspoons (10 ml) to a container, then add water to make a quart (946 ml). For a 1:10 solution, add 1/3 cup (79 ml) and 1 tablespoon (15 ml) in a container, then add water to make a quart (946 ml)
• EPA registered tuberculocidals (List B)
• Sterilants (List A)
• Products registered against HIV/HBV (List D).
Any of the above products are considered effective when used according to the manufacturers' instructions. Higher level disinfection may be required depending on the agent or level of decontamination.

Link:

These lists are available from the EPA Office of Pesticides, antimicrobial pesticides website at http://www.epa.gov/oppad001/chemregindex.htm.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14055, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14060 Handle regulated waste properly and safely.

Definition:

Regulated waste is any of the following:

• Liquid or semiliquid blood or other potentially infectious materials (OPIM)

• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed

• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling

• Contaminated sharps

• Pathological and microbiological wastes containing blood or OPIM.

You must:

• Discard contaminated sharps immediately, or as soon as possible, in containers that are all of the following:

– Closable

– Puncture resistant

– Leakproof on sides and bottom

– Appropriately labeled or color-coded

– Easily accessible to personnel

– Located as close as feasible to the immediate area where sharps are used or areas sharps can be reasonably anticipated to be found (for example, laundries)

– Maintained upright throughout use

– Replaced routinely and not allowed to overfill.

Exemption: Work areas such as correctional facilities, psychiatric units, pediatric units, or residential homes may have difficulty placing sharps containers in the immediate use area. In such situations, alternatives such as using lockable containers or bringing containers in and out of the work area may be used.

Note: For additional information on placement and use of sharps containers see *Selecting, Evaluating, and Using Sharps Disposal Containers*, NIOSH Publication 97-111, January 1998. You can obtain a copy of this publication by calling 1-800-35-NIOSH or get an electronic version in pdf at http://www.cdc.gov/niosh/publistd.html.

You must:

• Make sure when you move containers of contaminated sharps, the containers are:

– Closed prior to removal or replacement to prevent spilling or protrusion of contents during handling, storage, transport, or shipping; and

– Placed in a secondary container, if leaking is possible. The second container must be:

?Closable

?Constructed to contain all contents and prevent leakage during handling, storage, transport, or shipping

?Appropriately labeled or color-coded.

• Make sure regulated waste other than sharps is placed in containers that are all of the following:

– Closable

– Constructed to contain all contents and prevent leakage of fluids during handling, storage, transport, or shipping

– Closed prior to removal to prevent spillage or protrusion of contents during handling, storage, transport, or shipping

– Placed in a second container if outside contamination of the primary regulated waste container occurs.

?The second container must meet these requirements.

– Appropriately labeled or color-coded.

• Dispose of all regulated waste according to applicable state and county regulations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-14060, filed 4/22/03, effective 8/1/03.]

WAC 296-823-14065 Handle contaminated laundry properly and safely.

You must:

• Handle laundry contaminated with blood or other potentially infectious material (OPIM) as little as possible and with a minimum of agitation

• Bag contaminated laundry or put it into a container at the location where it was used

– Do not sort or rinse at the location of use

– Place and transport contaminated laundry in bags or containers that are properly labeled or color-coded

– If your facility ships contaminated laundry off-site to a second facility that doesn't use an infection control or isolation system when handling all of their soiled laundry, your facility must place the laundry in red bags or containers that are appropriately labeled.

Note: If your facility uses an infection control or isolation system in the handling of all soiled laundry, you can use alternative

labeling or color-coding so employees recognize that the containers need to be handled using these precautions.

Reference: Requirements for appropriate labels and color-coding are found in WAC 296-823-14020 of this chapter.

You must:

• Place and transport wet contaminated laundry that is likely to soak through or leak to the outside, in bags or containers that will prevent such leakage.

Reference: You need to follow additional requirements to make sure that employees who have contact with contaminated laundry wear protective gloves and other personal protective equipment (PPE) as appropriate, see WAC 296-823-150, Personal protective equipment.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-14065, filed 4/22/03, effective 8/1/03.]

WAC 296-823-150 Personal protective equipment (PPE). Summary.

Your responsibility:

To provide and make sure personal protective equipment is used when work practices and controls will not fully protect your employees from the risk of exposure to blood or other potentially infectious materials.

You must:

Provide and make sure that personal protective equipment is used when there is occupational exposure

WAC 296-823-15005

Make sure gloves are worn

WAC 296-823-15010

Make sure masks, eye protection, and face shields are worn

WAC 296-823-15015

Wear appropriate protective clothing

WAC 296-823-15020

Make resuscitator devices available

WAC 296-823-15025

Maintain personal protective equipment

WAC 296-823-15030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-150, filed 4/22/03, effective 8/1/03.]

WAC 296-823-15005 Provide and make sure personal protective equipment is used when there is occupational exposure.

You must:

• Provide at no cost to employees, appropriate personal protective equipment such as:

– Gloves

– Gowns

– Laboratory coats

– Face shields or a combination of masks and eye protection

– Mouthpieces

– Resuscitation bags

– Pocket masks

– Other ventilation devices.

Note: • PPE is considered "appropriate" only if it does NOT permit blood or other potentially infectious materials (OPIM) to pass through to or reach the employee's work clothes, street clothes, undergarments, skin, eyes, mouth, or other mucous membranes under normal conditions of use and for the duration of time which the protective equipment will be used.

You must:

• Make sure that employees use appropriate PPE.

– In rare and extraordinary circumstances, employees can briefly and temporarily choose not to use PPE. If in their professional judgment, they believe that using PPE would prevent the delivery of health care or public safety services OR pose an increased hazard to themselves or coworkers.

• If the employee makes this judgment, you must investigate and document to determine if changes can be made to prevent future occurrences of the same situation

• Make sure that appropriate PPE, in sizes to fit your employees, is readily accessible at the worksite or issued to employees

• Make sure employees remove all PPE before leaving the work area.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-15005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-15010 Make sure gloves are worn.

You must:

Make sure gloves appropriate to the situation are worn when:

• It can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials (OPIM), mucous membranes, or skin that is not intact

• Handling or touching contaminated items or surfaces

• Performing vascular access procedures, for example, drawing blood or inserting an IV.

You must:

Do the following when you are an employer in a volunteer blood donation center and you make the judgment that employees do not require routine use of gloves when performing phlebotomies:

• Periodically reevaluate your decision not to require gloves

• Make gloves available to all employees who wish to use them for phlebotomy (blood drawing)

• Do not discourage the use of gloves for phlebotomy

• Require that gloves be used for phlebotomy in ANY of the following circumstances:

– When the employee has a cut, scratch, or other break in the skin of his or her hand or wrist

– When the employee judges that hand contamination with blood may occur; for example, when performing phlebotomy on an uncooperative individual

– When the employee is receiving training in phlebotomy.

You must:

• Make sure employees who are allergic to the gloves that are normally provided have ready access to at least one of the following:

– Nonlatex gloves

– Glove liners

– Powderless gloves

– Other similar alternatives.

• Replace disposable (single use) gloves such as surgical or examination gloves:

– As soon as practical when contaminated

– As soon as practical if they are torn or punctured

– When their ability to function as a barrier is compromised.

• Make sure disposable (single use) gloves are used only once

• Discard utility gloves if they are cracked, peeling, torn, punctured, or show other signs of deterioration or when their ability to function as a barrier is compromised.

– You may decontaminate utility gloves for reuse if they can continue to function as a barrier.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-15010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-15015 Make sure appropriate masks, eye protection, and face shields are worn.

You must:

• Make sure either chin-length face shields or a combination of masks and eye protection are used, whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials (OPIM) may be generated and eyes, nose, or mouth contamination can be reasonably anticipated.

Note: Examples of eye protection devices include:
– Goggles
– Glasses with solid side shields.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-15015, filed 4/22/03, effective 8/1/03.]

WAC 296-823-15020 Wear appropriate protective clothing.

You must:

• Make sure appropriate protective clothing is worn when splashes to skin or clothes are reasonably anticipated. The type and characteristics will depend upon the sort of work being done and how much exposure is anticipated.

Note: Examples of protective clothing include:
– Gowns
– Aprons
– Lab coats
– Clinic jackets
– Similar outer garments
– Surgical caps or hoods
– Shoe covers or boots.

You must:

• Remove, as soon as feasible, a garment if blood or other potentially infectious materials (OPIM) penetrate it.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-15020, filed 4/22/03, effective 8/1/03.]

WAC 296-823-15025 Make resuscitator devices available.

You must:

• Make resuscitator (emergency ventilation) devices readily available and accessible to employees who can reasonably be expected to perform resuscitation procedures.

Note: Examples of resuscitator devices include:
– Masks
– Mouthpieces
– Resuscitation bags
– Shields/overlay barriers.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-15025, filed 4/22/03, effective 8/1/03.]

WAC 296-823-15030 Maintain personal protective equipment.

You must:

• Clean, repair, replace, launder, and dispose of personal protective equipment required by this chapter, at no cost to the employee

• Make sure when PPE is removed, it is placed in an appropriately designated area or container for storage, washing, decontamination, or disposal.

Note: Contaminated personal clothing is considered PPE for the purposes of this section.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-15030, filed 4/22/03, effective 8/1/03.]

WAC 296-823-160 Post-exposure requirements. Summary.

Your responsibility:

To make sure employees who have been exposed to blood or other potentially infectious materials (OPIM) have appropriate post-exposure evaluation and follow-up available.

You must:

Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident

WAC 296-823-16005

Test the blood of the source person

WAC 296-823-16010

Provide the results of the source person's blood test to the exposed employee

WAC 296-823-16015

Collect and test the blood of the exposed employee

WAC 296-823-16020

Provide information to the healthcare professional evaluating the employee

WAC 296-823-16025

Obtain a copy of the healthcare professional's written opinion on post-exposure evaluation and provide it to the employee

WAC 296-823-16030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-160, filed 4/22/03, effective 8/1/03.]

WAC 296-823-16005 Make a confidential medical evaluation and follow-up available to employees who experience an exposure incident.

You must:

• Make immediately available a confidential post-exposure evaluation and follow-up to all employees with occupational exposure to blood or OPIM who report an exposure incident.

Note: The employer or a third-party healthcare provider identified by the employer may do the evaluation.

Definition:

Exposure incident. A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

You must:

• Make sure that the post-exposure medical evaluation and follow-up are all of the following:

– Immediately available following an exposure incident

– Confidential

– At no cost to the employee

– At a reasonable time and place

– Administered by or under the supervision of a licensed physician or by another licensed healthcare professional

– Provided according to recommendations of the United States Public Health Service current at the time these evaluations and procedures take place.

• Make sure that the evaluation and follow-up includes AT LEAST these elements:

– Documentation of the routes of exposure, and the circumstances under which the exposure incident happened

– Identification and documentation of the source individual, unless you can establish that identification is infeasible or prohibited by state or local law

– Collection and testing of blood to detect the presence of HBV and HIV

– Post-exposure preventive treatment, when medically indicated, as recommended by the United States Public Health Service

– Counseling

– Evaluation of reported illnesses.

• Make sure that all laboratory tests are conducted by a laboratory licensed by the state or Clinical Laboratory Improvement Amendments (Act) (CLIA).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-16005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-16010 Test the blood of the source person.

Exemption: When the source individual is already known to be infected with HBV or HIV, you do not need to test their status.

You must:

• Arrange to test the source individual's blood for HBV and HIV as soon as feasible after getting their consent.

– If you do not get consent, you must establish that legally required consent can not be obtained

– When the law does not require the source individual's consent, their blood, if available, must be tested and the results documented.

Note: • Your local health authority enforces rules regarding HIV testing and consent which are found in WAC 246-100-206, Special diseases—Sexually transmitted diseases, and WAC 246-100-207, Human immunodeficiency virus (HIV) testing.
These rules can be found at: http://www.leg.wa.gov/wac/index.cfm?fuseaction=chapterdigest&chapter=246-100.

• Source testing: According to the Centers for Disease Control and Prevention (CDC), hepatitis C virus (HCV) infection is the most common chronic bloodborne infection in the United States. The CDC recommends testing of the source person for the presence of anti-HCV antibody. (Updated *U.S. Public Health Service Guidelines for the Management of Occupational Exposures to HBV, HCV, and HIV and Recommendations for Postexposure Prophylaxis,* MMWR, June 29, 2000/50(RR11); 1-42.)

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-16010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-16015 Provide the results of the source person's blood test to the exposed employee.

You must:

• Make sure the results of the source person's blood test are provided to the exposed employee, if possible

• Make sure the exposed employee is informed of applicable laws and regulations regarding disclosure of the identity and infection status of the source person.

Note: Law and regulations that currently apply are:
– Chapter 70.02 RCW, Medical records—Healthcare information access and disclosure.
– Chapter 70.24 RCW, Control and treatment of sexually transmitted diseases.
– Both rules can be found at http://www.leg.wa.gov/rcw/index.cfm?fuseation-title&title=70.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-16015, filed 4/22/03, effective 8/1/03.]

WAC 296-823-16020 Collect and test the blood of the exposed employee.

You must:

• Arrange to have the exposed employee's blood collected and tested as soon as feasible after consent is obtained.

– If the employee consents to baseline blood collection, but does not give consent at that time for HIV serologic testing, the sample must be preserved for at least ninety days. If, within ninety days of the exposure incident, the employee chooses to have the baseline sample tested, it must be done as soon as possible.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-16020, filed 4/22/03, effective 8/1/03.]

WAC 296-823-16025 Provide information to the healthcare professional evaluating the employee.

You must:

• Provide ALL of the following information to the healthcare professional evaluating an employee after an exposure incident:

– A copy of WAC 296-823-170

– A description of the job duties the exposed employee was performing when exposed

– Documentation of the routes of exposure and circumstances under which exposure occurred

– Results of the source person's blood testing, if available

– All medical records that you are responsible to maintain, including vaccination status, relevant to the appropriate treatment of the employee.

Reference: Requirements for the healthcare professional's written opinion for hepatitis B vaccinations can be found in WAC 296-823-15010.

Note: You may meet the requirement to provide a copy of WAC 296-823-170 to the healthcare professional by giving them the http://www.lni.wa.gov/rules/, as long as their office has a computer and access to the labor and industries' website.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-16025, filed 4/22/03, effective 8/1/03.]

WAC 296-823-16030 Provide a copy of the healthcare professional's written opinion to the employee.

You must:

• Obtain and provide to the employee a copy of the evaluating healthcare professional's written opinion within fifteen days of the completion of their evaluation.

Note: • If the healthcare professional provides the written opinion directly to the employee, you do not need to do so
• If the employee's personal healthcare professional completes the evaluation, you are not required to obtain the healthcare professional's written opinion.

• Make sure the healthcare professional's written opinion is limited to the following information:

– That the employee has been informed of the results of the evaluation

– That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials (OPIM) which need further evaluation or treatment.

• Make sure that all other findings or diagnoses remain confidential and are NOT included in the written report.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-16030, filed 4/22/03, effective 8/1/03.]

WAC 296-823-170 Records. Summary.

Your responsibility:

To obtain and maintain required records.

You must:

Establish and maintain medical records
WAC 296-823-17005
Maintain a sharps injury log
WAC 296-823-17010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-170, filed 4/22/03, effective 8/1/03.]

WAC 296-823-17005 Establish and maintain medical records.

You must:

• Establish and maintain an accurate medical record for each employee with occupational exposure

• Make sure this record includes ALL of the following that apply:

– Name and Social Security number of the employee

– A copy of the employee's hepatitis B vaccination status, including the dates of all the hepatitis B vaccinations

– Any medical records related to the employee's ability to receive vaccinations

– The HBV declination statement

– A copy of all results of examinations, medical testing, and follow-up procedures related to post-exposure evaluations

– Your copy of the healthcare professional's written opinion

– A copy of the information provided to the healthcare professional as required.

• Make sure that employee medical records are:

– Kept confidential

– Not disclosed or reported to any person, without the employee's written consent, except as required by this section or as may be required by law.

Note: • In some industries, a medical record is also known as the employee health file.
• You may contract with the medical professional responsible for hepatitis B vaccination and post-exposure evaluation to maintain employee records.

Reference: You need to follow additional requirements for medical records found in WAC 296-62-052, Access to records.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-17005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-17010 Maintain a sharps injury log.

Exemption: You are exempt from the requirements to record contaminated sharps injuries if you have ten or less employees.

You must:

• Record contaminated sharps injuries on your OSHA 300 or equivalent log.

Reference: Requirements for the OSHA 300 log are found in chapter 296-27 WAC, Recordkeeping and recording. http://www.lni.wa.gov/wisha/regs/WACS/27/27.htm.

You must:

• Record and maintain contaminated sharps injury information in a way that protects the confidentiality of the injured employee

• Also record the following additional information for contaminated sharps injuries:

– The type and brand of device involved in the incident

– The department or work area where the exposure incident occurred

– An explanation of how the incident occurred.

Note: You may record the additional information in any format you choose, such as on the OSHA 300 and 301 forms. It must be retrievable and identifiable to each specific injury.

• Maintain your contaminated sharps injury records for five years.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-17010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-180 Additional requirements for HIV and HBV research laboratories and production facilities. Summary.

Your responsibility:

To implement and enforce these additional rules in research laboratories and production facilities engaged in the culture, production, concentration, experimentation, and manipulation of HIV and HBV.

Exemption: This section does NOT apply to clinical or diagnostic laboratories engaged solely in the analysis of blood, tissues, or organs.

Note: Production and research facilities: Hepatitis C (HCV) is the virus involved in most cases of parenterally transmitted (bloodborne) non-A, non-B hepatitis in the United States. Most individuals who contract HCV become chronically infected (85%) and develop chronic hepatitis (70%). It is recommended that you also follow these requirements for HCV production and research facilities.

You must:

Prepare, review and update a biosafety manual
WAC 296-823-18005
Follow these special practices for the work area
WAC 296-823-18010
Make sure these practices for contaminated material and waste are followed
WAC 296-823-18015
Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed
WAC 296-823-18020
Protect vacuum lines
WAC 296-823-18025
Use and handle hypodermic needles and syringes properly and safely
WAC 296-823-18030
Handle all spills and accidents properly

WAC 296-823-18035
Post signs
WAC 296-823-18040
Provide additional training for facility employees
WAC 296-823-18045
Furnish a sink for washing hands and a readily available eye wash facility
WAC 296-823-18050
Make sure these additional criteria are followed
WAC 296-823-18055.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-180, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18005 Prepare, review, and update a biosafety manual.

You must:

• Prepare or adopt a biosafety manual. This manual must be:

– Periodically reviewed

– Updated at least annually or more often, if necessary.

• Make sure employees are:

– Advised of potential hazards

– Required to read and follow instructions about practices and procedures.

• Establish written policies and procedures where only authorized persons can enter work areas and animal rooms.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-18005, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18010 Follow these special practices for the work area.

You must:

• Make sure only authorized persons are allowed to enter the work areas and animal rooms. Authorized persons must:

– Have been advised of the potential biohazard

– Meet any specific entry requirements

– Comply with all entry and exit procedures.

• Keep laboratory doors closed when work involving HIV or HBV is in progress.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-18010, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18015 Make sure these practices for contaminated material and waste are followed.

You must:

• Incinerate or decontaminate all regulated waste by a method known to effectively destroy bloodborne pathogens, such as autoclaving

• Make sure to place materials to be decontaminated away from the work area in a container that is:

– Durable

– Leakproof

– Appropriately labeled, or color-coded

– Closed before being removed from the work area.

Reference: Find additional requirements for appropriate labels and color-coding in WAC 296-823-16005.

You must:

• Incinerate or decontaminate ALL waste from work areas and from animal rooms before it is disposed of

• Make sure an autoclave is available for decontamination of regulated waste. The autoclave must be available within or as near as possible to the work area.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-18015, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18020 Make sure these special practices for personal protective equipment (PPE) and other safe guards are followed.

You must:

• Make sure appropriate personal protective clothing is used in work areas and animal rooms. Examples of appropriate personal protective clothing include:

– Laboratory coats

– Gowns

– Smocks

– Uniforms.

• Decontaminate protective clothing before it is laundered

• Make sure employees remove protective clothing before leaving their work area

• Take special care to avoid skin contact with other potentially infectious materials (OPIM)

• Wear gloves when handling infected animals and when you can not avoid making hand contact with OPIM

• Conduct all activities involving OPIM in biological safety cabinets or other physical-containment devices within the containment module. No work with OPIM must be conducted on the open bench.

– Appropriate certified biological safety cabinets (Class I, II, or III) or personal protection or physical containment devices must be used for all activities with OPIM that pose a threat of exposure to droplets, splashes, spills, or aerosols. Appropriate personal protection and physical containment devices include:

?Special protective clothing

?Respirators

?Centrifuge safety cups

?Sealed centrifuge rotors

?Containment caging for animals.

– Biological safety cabinets must be certified when installed or moved, and at least annually.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-18020, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18025 Protect vacuum lines.

You must:

• Protect vacuum lines with liquid disinfectant traps and high-efficiency particulate air (HEPA) filters or filters of same or greater efficiency. Make sure filters are checked routinely and maintained or replaced as necessary.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-18025, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18030 Use and handle hypodermic needles and syringes appropriately and safely.

You must:

• Use hypodermic needles and syringes only for parenteral injection and aspiration of fluids from laboratory animals and diaphragm bottles.

– Use only needle-locking syringes or disposable syringe-needle units (when the needle is integral to the syringe) for the injection or aspiration of other potentially infectious materials (OPIM)

– Use extreme caution when handling needles and syringes

– The needle must not be bent, sheared, replaced in the sheath or guard, or removed from the syringe after use

– Place the needle and syringe promptly in a puncture-resistant container and autoclave or decontaminate before reuse or disposal.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-18030, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18035 Handle all spills and accidents properly.

You must:

• Make sure appropriate professional staff or others, properly trained and equipped to work with concentrated potentially infectious materials, immediately contain and clean up all spills

• Make sure that employees report a spill or accident that results in an exposure incident immediately to the laboratory director or other responsible person.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-18035, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18040 Post signs.

You must:

• Post signs at the entrance to work areas and all access doors when other potentially infectious materials (OPIM) or infected animals are present in the work area or containment module.

• Make sure signs:

– Contain the following symbol and information:

Place illustration here.

(Name of the infectious agent)
(Special requirements for entering the area)
(Name, telephone number of the laboratory director or other responsible person.)

– Are all or mostly fluorescent orange-red with lettering and symbol in a contrasting color.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-18040, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18045 Provide additional training for facility employees.

You must:

• Provide initial training to employees in HIV or HBV research laboratories or production facilities in addition to the training required in WAC 296-823-140

• Make sure that employees demonstrate proficiency in the following:

– Standard microbiological practices and techniques

– The practices and operations specific to the facility BEFORE being allowed to work with HIV or HBV.

• Provide a training program to employees working with HIV or HBV who have no prior experience in handling human pathogens.

– Initial work activities must not include the handling of infectious agents

– A progression of work activities must be assigned as techniques are learned and proficiency is developed.

• Make sure that employees participate in work activities involving infectious agents only after proficiency has been demonstrated.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-18045, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18050 Furnish a sink for washing hands and a readily available eye wash facility.

You must:

• Make sure each work area contains a sink for hand-washing and an eyewash facility is readily available.

– For HIV and HBV production facilities, the sink must be operated automatically by foot or elbow and must be located near the exit door of the work area.

Reference: Requirements for emergency eyewash stations can be found in WAC 296-800-15030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-09-110, § 296-823-18050, filed 4/22/03, effective 8/1/03.]

WAC 296-823-18055 Make sure these additional criteria are followed.

You must:

• Separate the HIV and HBV work areas from areas that are open to unrestricted traffic flow within the building

• Use two sets of doors to separate HIV and HBV work areas from access corridors or other contiguous areas.

Note: You may provide a physical separation of the high-containment work area from access corridors or other areas or activities by providing:
– A double-doored clothes-change room (showers may be included)
– Airlock
OR
– Other access facilities that requires passing through two sets of doors before entering the work area.

• Make sure the surfaces of doors, walls, floors, and ceilings in the work area are water resistant so they can be easily cleaned. These surfaces must be sealed or capable of being sealed to facilitate decontamination

• Make sure access doors to the work area or containment module are self-closing

• Provide a ducted exhaust-air ventilation system. This system must create directional airflow that draws air into the work area through the entry area and you must verify this airflow. The exhaust air must:

– NOT be recirculated to any other area of the building
– Be discharged to the outside
– Be dispersed away from occupied areas and air intakes.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-18055, filed 4/22/03, effective 8/1/03.]

WAC 296-823-200 Definitions.

Blood

Human blood, human blood components and products made from human blood. Also included are medications derived from blood, such as immune globulins, albumin, and factors 8 and 9.

Bloodborne pathogens

Pathogenic microorganisms that are present in human blood and can cause disease in humans. Examples of these pathogens include:

• Human immunodeficiency virus (HIV)
• Hepatitis B virus (HBV)
• Hepatitis C virus, malaria
• Syphilis
• Babesiosis
• Brucellosis
• Leptospirosis
• Arboviral infections
• Relapsing fever
• Creutzfeld-Jakob Disease
• Human T-lymphotrophic virus Type I
• Viral Hemorrhagic Fever.

Clinical laboratory

A workplace where diagnostic or other screening procedures are performed on blood or other potentially infectious materials (OPIM).

Contaminated

The presence or the reasonably anticipated presence of blood or other potentially infectious materials (OPIM) on an item or surface.

Contaminated laundry

Laundry that has been soiled with blood or other potentially infectious materials (OPIM) or may contain contaminated sharps.

Contaminated sharps

Any contaminated object that can penetrate the skin including, but not limited to, needles, scalpels, broken glass, broken capillary tubes, and exposed ends of dental wires.

Decontamination

The use of physical or chemical means to remove, inactivate, or destroy bloodborne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.

Exposure incident

A specific eye, mouth, other mucous membrane, nonintact skin or parenteral contact with blood or other potentially infectious materials (OPIM) that results from the performance of an employee's duties. Examples of nonintact skin include skin with dermatitis, hangnails, cuts, abrasions, chafing, or acne.

Handwashing facilities

A facility providing an adequate supply of running potable water, soap and single use towels or hot air drying machines.

Licensed healthcare professional

A person whose legally permitted scope of practice allows him or her to independently perform the activities required by this rule.

HBV

Hepatitis B virus.

HIV

Human immunodeficiency virus.

Needleless systems

A device that does not use needles for any of the following:

• The collection of bodily fluids or withdrawal of body fluids after initial venous or arterial access is established
• The administration of medication or fluids
• Any other procedure involving the potential for occupational exposure to bloodborne pathogens due to percutaneous injuries from contaminated sharps.

Occupational exposure

Reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or OPIM that may result from the performance of an employee's duties.

Other potentially infectious materials (OPIM)

Includes all of the following:

• Human body fluids: Semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;
• Any unfixed tissue or organ (other than intact skin) from a human (living or dead);
• HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV
• Blood and tissues of experimental animals infected with bloodborne pathogens.

Parenteral contact

When mucous membranes or skin is pierced by needlesticks, human bites, cuts, or abrasions.

Personal protective equipment (PPE)

Specialized clothing or equipment worn by an employee for protection against a hazard. General work clothes (for example, uniforms, pants, shirts, or blouses) not intended to function as protection against a hazard are not considered to be PPE.

Production facility

A facility engaged in industrial-scale, large-volume or high concentration production of HIV or HBV.

Regulated waste

Regulated waste is any of the following:

• Liquid or semiliquid blood or other potentially infectious materials (OPIM)
• Contaminated items that would release blood or OPIM in a liquid or semiliquid state, if compressed
• Items that are caked with dried blood or OPIM and are capable of releasing these materials during handling
• Contaminated sharps
• Pathological and microbiological wastes containing blood or OPIM.

Research laboratory

A laboratory producing or using research-laboratory-scale amounts of HIV or HBV. Research laboratories may produce high concentrations of HIV or HBV but not in the volume found in production facilities.

Safer medical devices

Medical devices that have been engineered to reduce the risk of needlesticks and other contaminated sharps injuries. These include not only sharps with engineered sharps injury protections and needleless systems but also other medical devices designed to reduce the risk of sharps injury exposures to bloodborne pathogens. Examples include blunt suture needles and plastic or mylar-wrapped glass capillary tubes.

Secondary duty

Any job expectation outside the primary job duties assigned to that position.

Sharps with engineered sharps injury protections (SESIP)

A nonneedle sharp or a needle device used for withdrawing body fluids, accessing a vein or artery, or administering medications or other fluids, with a built-in safety feature or mechanism that effectively reduces the risk of an exposure incident.

Source person

A person, living or dead, whose blood or other potentially infectious materials may be a source (OPIM) of occupational exposure to the employee. Examples include:

- Hospital and clinic patients
- Clients in institutions for the developmentally disabled
- Trauma victims
- Clients of drug and alcohol treatment facilities
- Residents of hospices and nursing homes
- Human remains
- Individuals who donate or sell blood or blood components.

Standard microbiological practices

Standard microbiological practices refer to procedures comparable to those outlined in the current edition of the Center for Disease Control "*Biosafety in Microbiological and Biomedical Laboratories*."

Sterilize

The use of a physical or chemical procedure to destroy all microbial life including highly resistant bacterial endospores.

Universal precautions

An approach to infection control. According to the concept of universal precautions, all human blood and certain human body fluids are treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.

Note: Universal Blood-Body Fluid Precautions, Body Substance Isolation, and Standard Precautions expand on the concept of universal precautions to include all body fluids and substances as infectious. These concepts are acceptable alternatives to universal precautions.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-823-200, filed 4/22/03, effective 8/1/03.]

Chapter 296-824 WAC
EMERGENCY RESPONSE

WAC

296-824-50030 Provide rescue and medical assistance.

WAC 296-824-50030 Provide rescue and medical assistance.

You must:

(1) Provide stand-by employees equipped with the same level of personal protective equipment (PPE) as the entrants, for assistance or rescue.

Note:
- The buddy system applies to stand-by employees (see WAC 296-824-50025).
- One of the two stand-by employees can be assigned to another task provided it does not interfere with the performance of the stand-by role.
- Rescue equipment should be selected and provided based on the types of rescue situations that could occur.

You must:

(2) Make sure employees trained in first aid are readily available with necessary medical equipment and have a way to transport the injured.

Note:
- Employee training is covered by WAC 296-800-150, first aid. This rule requires training on the eighteen subjects listed in addition to any subjects that are specific to your workplace emergency hazards (for example: If exposure to corrosive substances could occur, training would need to include first-aid procedures for treating chemical burns).
- Employers who designate and train their employees to provide first aid are covered by chapter 296-823 WAC, Occupational exposure to bloodborne pathogens.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-09-110, § 296-824-50030, filed 4/22/03, effective 8/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050, and [49.17].060. 02-20-034, § 296-824-50030, filed 9/24/02, effective 10/1/02.]

Chapter 296-841 WAC
RESPIRATORY HAZARDS

WAC

296-841-100 Scope.
296-841-200 Evaluate and control employee exposures.
296-841-20005 Identify and evaluate respiratory hazards.
296-841-20010 Control employee exposures.
296-841-20015 Use respirators.
296-841-20020 Notify employees.
296-841-300 Definitions.

WAC 296-841-100 Scope.

IMPORTANT:

This chapter applies **only** if your employees:

- Are exposed to a respiratory hazard

OR

- Could be exposed to one of the specific hazards listed below.

This chapter applies to any workplace with potential or actual employee exposure to respiratory hazards. It requires you to protect employees from respiratory hazards by applying this protection strategy:

- Evaluate employee exposures to determine if controls are needed
- Use feasible controls. For example, enclose or confine the operation, use ventilation systems, or substitute with less toxic material
- Use respirators if controls are not feasible or if they cannot completely control the hazard.

Definition:

Exposed or exposure:

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition. Expo-

sure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Note: Examples of substances that may be respiratory hazards when airborne include:
• Chemicals listed in Table 3
• Any substance
– Listed in the latest edition of the NIOSH Registry of Toxic Effects of Chemical Substances
– For which positive evidence of an acute or chronic health hazard exists through tests conducted by, or known to, the employer
– That may pose a hazard to human health as stated on a material safety data sheet kept by, or known to, the employer
• Atmospheres considered oxygen deficient
• Biological agents such as harmful bacteria, viruses or fungi
– Examples include airborne TB aerosols and anthrax
• Pesticides with a label requirement for respirators
• Chemicals used as crowd control agents such as pepper spray
• Chemicals present at clandestine drug labs.
These substances can be airborne as dusts, fibers, fogs, fumes, mists, gases, smoke, sprays, vapors, or aerosols.

Reference: • Substances in Table 3 that are marked with an X in the "skin" column may require personal protective equipment (PPE). See WAC 296-800-160, Personal protective equipment, for additional information and requirements.
• If any of the following hazards are present in your workplace, you will need both this chapter and any of the following specific rules that apply:

Hazard	Rule that applies
Acrylonitrile	WAC 296-62-07336
Arsenic (inorganic)	WAC 296-62-07347
Asbestos	WAC 296-62-077
Benzene	WAC 296-62-07523
Butadiene	WAC 296-62-07460
Cadmium	WAC 296-62-074 through 296-62-07449
Carcinogens	Chapter 296-62 WAC, Part F
Coke ovens	Chapter 296-62 WAC, Part O
Cotton dust	Chapter 296-62 WAC, Part N
1, 2-Dibromo-3-chloropropane	WAC 296-62-07342
Ethylene oxide	WAC 296-62-07355
Formaldehyde	WAC 296-62-07540
Lead	WAC 296-62-07521
Methylene chloride	WAC 296-62-07470
Methylenedianiline	WAC 296-62-076
Thiram	WAC 296-62-07519
Vinyl chloride	WAC 296-62-07329

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-100, filed 10/1/03, effective 1/1/04.]

WAC 296-841-200 Evaluate and control employee exposures.

Summary

Your responsibility:

To protect your employees from exposure to respiratory hazards in the workplace by identifying and controlling the hazards.

You must:

Identify and evaluate employee exposures
WAC 296-841-20005
Control employee exposures
WAC 296-841-20010
Use respirators
WAC 296-841-20015
Notify employees
WAC 296-841-20020.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-200, filed 10/1/03, effective 1/1/04.]

WAC 296-841-20005 Identify and evaluate respiratory hazards.

You must:

• Make sure employees are protected from potentially hazardous exposure while you perform your evaluation

• Perform your evaluation without considering the protection provided to employees by a respirator

• Determine the form of the hazard, such as dust, mist, gas, oxygen deficiency, or biological agent.

• Make sure you include:

– Potential emergency and rescue situations that may occur, such as equipment or power failures, uncontrolled chemical reactions, fire, explosion, or human error

– Workplace conditions such as work processes, types of material, control methods, work practices and environmental conditions.

• Determine or reasonably estimate whether any employee is or could be exposed to any of the following:

– Any airborne substance above a PEL listed in Table 3

– A substance at or above the action level specified in the rule for that substance

– Any other respiratory hazard.

• Use **any** of the following to determine employee exposure:

– Information that would allow an estimate of the level of employee exposure, such as MSDSs or pesticide labels, observations, measurements or calculations

– Data demonstrating that a particular product, material or activity cannot result in employee exposure at or above the action level (AL) or PEL

– Personal air samples that represent an employee's usual or worst case exposure for the entire shift.

Note: • Rules for specific substances may contain additional requirements for determining employee exposure.
• Use methods of sampling and analysis that have been validated by the laboratory performing the analysis.
• Samples from a representative group of employees may be used for other employees performing the same work activities when the duration and level of exposure are similar.

You must:

• Consider the atmosphere to be immediately dangerous to life or health (IDLH) when you cannot determine or reasonably estimate employee exposure

• Make sure employee exposure to two or more substances is evaluated using this formula:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \ldots + \frac{C_n}{L_n}$$

The symbol	Is the . . .
E	Equivalent exposure for the mixture. **The PEL is exceeded when the value of E is greater than 1.**
C	Concentration of a particular contaminant.
L	PEL for that contaminant, from Table 3.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-20005, filed 10/1/03, effective 1/1/04.]

WAC 296-841-20010 Control employee exposures.

You must:

• Use feasible controls to protect employees from exposure to respiratory hazards by:

– Reducing employee exposure to a level that removes the respiratory hazard, such as to a level below the PEL in Table 3

– Reducing the hazard to the lowest achievable level, when the hazard cannot be removed.

IMPORTANT:

Using respirators and other PPE is not a substitute for the feasible controls required by this section.

Note:

Table 1
Examples of Possible Controls

Control:	For example:
Using a different chemical (substitution)	• Choose a chemical with a lower evaporation rate or vapor pressure • Choose a chemical without hazardous ingredients
Changing a process to lessen emissions	• Use hand rolling or paint dipping instead of paint spraying • Bolt items instead of welding them
Separating employees from emissions areas and sources	• Use control rooms • Build an enclosure around process machinery or other emissions sources • Automate a process
Removing emissions at or near the source (local exhaust ventilation)	• Install exhaust hoods or slots to capture emissions • Use an exhausted enclosure (like a blasting cabinet or laboratory hood)
Diluting and removing emissions in the work area (general exhaust ventilation)	• Allow natural air movement to create an adequate airflow through an area • Use mechanical fans
Modify work practices	• Change the position of the worker relative to the work so fumes, vapors, or smoke do not go into their face
Rotate employees – Some specific rules prohibit the use of this control method	• Move employees to another job that is without exposure, on a schedule to keep their total exposure below the PEL

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-20010, filed 10/1/03, effective 1/1/04.]

WAC 296-841-20015 Use respirators.

You must:

• Require employees to use respiratory protection when respiratory hazards have not been removed using feasible controls. For example, use respirators at any of the following times:

– While controls are being evaluated or put in place

– When the respiratory hazard is not completely removed

– When controls are **NOT** feasible.

Reference:

See chapter 296-842 WAC, Respirators, for respirator program requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-20015, filed 10/1/03, effective 1/1/04.]

WAC 296-841-20020 Notify employees.

You must:

• Notify employees who are or may be exposed to respiratory hazards as specified in Table 2.

Note: • The notification may be provided either individually, to a group, or by posting of results in an appropriate location that is accessible to affected employees.

Table 2
Notification Requirements

Notify employees of:	As follows:
Any exposure result above the PEL	Within five business days, after the employee's exposure result is known to the employer
The corrective action being taken to reduce employee exposure to or below the PEL **AND** The schedule for completion of the corrective action and any reasons why exposures cannot be lowered to below the PEL	Within fifteen business days, after the employee's exposure result is known to the employer
An exposure to these substances: • Acrylonitrile • Arsenic (inorganic) • Asbestos • Benzene • Butadiene • Cadmium • Coke oven emissions • Cotton dust • 1,2-Dibromo-3-chloropropane • Ethylene oxide • Formaldehyde • Lead • Methylene chloride • Methylenedianiline • Vinyl chloride	In writing, as specified in the rule specific to the substance

Table 3 "Exposure Limits for Air Contaminants"

IMPORTANT:

The following information applies to Table 3, Exposure Limits for Air Contaminants.

• Exposure needs to be determined from personal air samples taken in the breathing zone OR from monitoring representative of the employee's breathing zone.

• Ppm refers to parts of vapor or gas per million parts of air by volume, at 25 degrees C and 760 mm Hg pressure.

• Mg/m^3 refers to milligrams of substance per cubic meter of air.

• For a metal that is measured as the metal itself, only the CAS number for the metal is given. The CAS numbers for individual compounds of the metal are not provided. For more information about CAS registry numbers see the website: http://www.cas.org.

• Time weighted averages (TWA_8) represent the maximum allowed average exposure for any 8-hour time period. For work periods longer than 8-hours the TWA_8 needs to be determined using the 8 continuous hours with the highest average concentration.

• Short-term exposure limits (STEL) represent maximum allowed average exposure for any fifteen-minute period, unless another time period is noted in Table 3.

• The ceiling represents the maximum allowed exposure for the shortest time period that can feasibly be measured.

• An "X" in the "skin" column indicates the substance can be absorbed through the skin, either by airborne or direct contact.

• Additional requirements for the use of gloves, coveralls, goggles, and other personal protective equipment can be found in WAC 296-800-160.

• The respirable fraction of particulate is measured by sampling with a size-selector having the following characteristics:

Mean aerodynamic diameter in micrometers	**Percent passing the selector**
1	97
2	91
3	74
4	50
5	30
6	17
7	9
8	5
10	1

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Abate (Temephos)	3383-96-8	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Acetaldehyde	75-07-0	100 ppm	150 ppm	——	——
Acetic acid	64-19-7	10 ppm	20 ppm	——	——
Acetic anhydride	108-24-7	——	——	5 ppm	——
Acetone	67-64-1	750 ppm	1,000 ppm	——	——
Acetonitrile	75-05-8	40 ppm	60 ppm	——	——
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	——	——	——	——
Acetylene	74-86-2	Simple asphyxiant	——	——	——
Acetylene dichloride (1,2-Dichloroethylene)	540-59-0	200 ppm	250 ppm	——	——
Acetylene tetrabromide	79-27-6	1 ppm	3 ppm	——	——
Acetylsalicylic acid (Aspirin)	50-78-2	5 mg/m^3	10 mg/m^3	——	——
Acrolein	107-02-8	0.1 ppm	0.3 ppm	——	——
Acrylamide	79-06-1	0.03 mg/m^3	0.09 mg/m^3	——	X
Acrylic acid	79-10-7	10 ppm	20 ppm	——	X
Acrylonitrile (see WAC 296-62-07336)	107-13-1	2 ppm	10 ppm	——	——
Aldrin	309-00-2	0.25 mg/m^3	0.75 mg/m^3	——	X
Allyl alcohol	107-18-6	2 ppm	4 ppm	——	X
Allyl chloride	107-05-1	1 ppm	2 ppm	——	——
Allyl glycidyl ether (AGE)	106-92-3	5 ppm	10 ppm	——	——
Allyl propyl disulfide	2179-59-1	2 ppm	3 ppm	——	——
alpha-Alumina (Aluminum oxide)	1344-28-1	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10 mg/m^3	——	——
Aluminum (as Al)	7429-90-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10.0 mg/m^3	——	——
Pyro powders	——	5.0 mg/m^3	10 mg/m^3	——	——
Welding fumes	——	5 mg/m^3	10 mg/m^3	——	——
Soluble salts	——	2.0 mg/m^3	4 mg/m^3	——	——
Alkyls (NOC)	——	2.0 mg/m^3	4 mg/m^3	——	——
Aluminum oxide (Alundum, Corundum)	7429-90-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10.0 mg/m^3	——	——
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	——	——	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
2-Aminoethanol (Ethanolamine)	141-43-5	3 ppm	6 ppm	——	——
2-Aminopyridine	504-29-0	0.5 ppm	1.5 ppm	——	——
Amitrole	61-82-5	0.2 mg/m^3	0.6 mg/m^3	——	——
Ammonia	7664-41-7	25 ppm	35 ppm	——	——
Ammonium chloride, fume	12125-02-9	10 mg/m^3	20 mg/m^3	——	——
Ammonium sulfamate (Ammate)	7773-06-0	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10.0 mg/m^3	——	——
n-Amyl acetate	628-63-7	100 ppm	150 ppm	——	——
sec-Amyl acetate	626-38-0	125 ppm	156 ppm	——	——
Aniline and homologues	62-53-3	2 ppm	4 ppm	——	X
Anisidine (o, p-isomers)	29191-52-4	0.1 ppm	0.3 ppm	——	X
Antimony and compounds (as Sb)	7440-36-0	0.5 mg/m^3	1.5 mg/m^3	——	——
ANTU (alpha Naphthyl thiourea)	86-88-4	0.3 mg/m^3	0.9 mg/m^3	——	——
Argon	7440-37-1	Simple asphyxiant	Simple asphyxiant	——	——
Arsenic, organic compounds (as As)	7440-38-2	0.2 mg/m^3	0.6 mg/m^3	——	——
Arsenic, inorganic compounds (as As) (when use is covered by WAC 296-62-07347)	7440-38-2	0.01 mg/m^3	0.03 mg/m^3	——	——
Arsenic, inorganic compounds (as As) (when use is not covered by WAC 296-62-07347)	7440-38-2	0.2 mg/m^3	0.6 mg/m^3	——	——
Arsine	7784-42-1	0.05 ppm	0.15 ppm	——	——
Asbestos (see WAC 296-62-077)	——	——	——	——	——
Asphalt (Petroleum fumes)	8052-42-4	5 mg/m^3	10 mg/m^3	——	——
Atrazine	1912-24-9	5 mg/m^3	10 mg/m^3	——	——
Azinphos methyl (Guthion)	86-50-0	0.2 mg/m^3	0.6 mg/m^3	——	X
Barium, soluble compounds (as Ba)	7440-39-3	0.5 mg/m^3	1.5 mg/m^3	——	——
Barium sulfate	7727-43-7	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Benomyl	17804-35-2	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Benzene (see WAC 296-62-07523)	71-43-2	1 ppm	5 ppm	——	——
Benzidine (see WAC 296-62-073)	92-87-5	——	——	——	——
p-Benzoquinone (Quinone)	106-51-4	0.1 ppm	0.3 ppm	——	——
Benzo(a) pyrene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m^3	0.6 mg/m^3	——	——
Benzoyl peroxide	94-36-0	5 mg/m^3	10 mg/m^3	——	——
Benzyl chloride	100-44-7	1ppm	3 ppm	——	——
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002 mg/m^3	0.005 mg/m^3 (30 min.)	0.025 mg/m^3	——
Biphenyl (Diphenyl)	92-52-4	0.2 ppm	0.6 ppm	——	——
Bismuth telluride, undoped	1304-82-1	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Bismuth telluride, Se-doped	——	5 mg/m^3	10 mg/m^3	——	——
Borates, tetra, sodium salts	——	——	——	——	——
Anhydrous	1330-43-4	1 mg/m^3	3 mg/m^3	——	——
Decahydrate	1303-96-4	5 mg/m^3	10 mg/m^3	——	——
Pentahydrate	12179-04-3	1 mg/m^3	3 mg/m^3	——	——
Boron oxide	1303-86-2	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Boron tribromide	10294-33-4	——	——	1.0 ppm	——
Boron trifluoride	6737-07-2	——	——	1.0 ppm	——
Bromacil	314-40-9	1 ppm	3 ppm	——	——
Bromine	7726-95-6	0.1 ppm	0.3 ppm	——	——
Bromine pentafluoride	7789-30-2	0.1 ppm	0.3 ppm	——	——
Bromochloromethane (Chlorobromethane)	74-97-5	200 ppm	250 ppm	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Bromoform	15-25-2	0.5 ppm	1.5 ppm	——	X
Butadiene					
(1,3-butadiene)	106-99-0	1 ppm	5 ppm	——	——
Butane	106-97-8	800 ppm	1,000 ppm	——	——
Butanethiol					
(see Butyl mercaptan)	109-79-5	0.5 ppm	1.5 ppm	——	——
2-Butanone					
(Methyl ethyl ketone)	78-93-3	200 ppm	300 ppm	——	——
2-Butoxy ethanol					
(Butyl cellosolve)	111-76-2	25 ppm	38 ppm	——	X
n-Butyl acetate	123-86-4	150 ppm	200 ppm	——	——
sec-Butyl acetate	105-46-4	200 ppm	250 ppm	——	——
tert-Butyl acetate	540-88-5	200 ppm	250 ppm	——	——
Butyl acrylate	141-32-2	10 ppm	20 ppm	——	——
n-Butyl alcohol	71-36-3	——	——	50 ppm	X
sec-Butyl alcohol	78-92-2	100 ppm	150 ppm	——	——
tert-Butyl alcohol	75-65-0	100 ppm	150 ppm	——	——
Butylamine	109-73-9	——	——	5 ppm	X
tert-Butyl chromate					
(Chromic acid)	1189-85-1	——	——	0.1 mg/m^3	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25 ppm	38 ppm	——	——
n-Butyl lactate	138-22-7	5 ppm	10 ppm	—-	——
Butyl mercaptan	109-79-5	0.5 ppm	1.5 ppm	——	——
o-sec-Butylphenol	89-72-5	5 ppm	10 ppm	——	X
p-tert-Butyl-toluene	98-51-1	10 ppm	20 ppm	——	——
Cadmium oxide fume (as Cd)					
(see WAC 296-62-074)	1306-19-0	0.005 mg/m^3	0.015 mg/m^3	——	——
Cadmium dust and salts (as Cd)					
(see WAC 296-62-074)	7440-43-9	—-	——	——	——
Total particulate	——	0.01 mg/m^3	0.03 mg/m^3	——	——
Respirable fraction	——	0.002 mg/m^3	0.006 mg/m^3	——	——
Calcium arsenate					
(see WAC 296-62-07347)	——	0.01 mg/m^3	0.03 mg/m^3	——	——
Calcium carbonate	1317-65-3	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Calcium cyanamide	156-62-7	0.5 mg/m^3	1.5 mg/m^3	——	——
Calcium hydroxide	1305-62-0	5 mg/m^3	10 mg/m^3	——	——
Calcium oxide	1305-78-8	2 mg/m^3	4 mg/m^3	——	——
Calcium silicate	1344-95-2	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Calcium sulfate	7778-18-9	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Camphor (synthetic)	76-22-2	2 mg/m^3	4 mg/m^3	——	——
Caprolactam	105-60-2	——	——	——	——
Dust	——	1 mg/m^3	3 mg/m^3	——	——
Vapor	——	5 ppm	10 ppm	——	——
Captafol					
(Difolatan)	2425-06-1	0.1 mg/m^3	0.3 mg/m^3	——	X
Captan	133-06-2	5 mg/m^3	10 mg/m^3	——	——
Carbaryl (Sevin)	63-25-2	5 mg/m^3	10 mg/m^3	——	——
Carbofuran (Furadon)	1563-66-2	0.1 mg/m^3	0.3 mg/m^3	——	——
Carbon black	1333-86-4	3.5 mg/m^3	7 mg/m^3	——	——
Carbon dioxide	124-38-9	5,000 ppm	30,000 ppm	——	——
Carbon disulfide	75-15-0	4 ppm	12 ppm	——	X
Carbon monoxide	630-08-0	35 ppm	200 ppm (5 min.)	1,500 ppm	——
Carbon tetrabromide	558-13-4	0.1 ppm	0.3 ppm	——	——
Carbon tetrachloride					
(Tetrachloromethane)	56-23-5	2 ppm	4 ppm	——	X
Carbonyl chloride					
(Phosgene)	7803-51-2	0.3 ppm	1 ppm	——	——
Carbonyl fluoride	353-50-4	2 ppm	5 ppm	——	——
Catechol (Pyrocatechol)	120-80-9	5 ppm	10 ppm	——	X
Cellulose (paper fiber)	9004-34-6	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Cesium hydroxide	21351-79-1	2 mg/m^3	4 mg/m^3	——	——
Chlordane	57-74-9	0.5 mg/m^3	1.5 mg/m^3	——	X
Chlorinated camphene					
(Toxaphen)	8001-35-2	0.5 mg/m^3	1 mg/m^3	——	X
Chlorinated diphenyl oxide	55720-99-5	0.5 mg/m^3	1.5 mg/m^3	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Chlorine	7782-50-5	0.5 ppm	——	1 ppm	——
Chlorine dioxide	10049-04-4	0.1 ppm	0.3 ppm	——	——
Chlorine trifluoride	7790-91-2	——	——	0.1 ppm	——
Chloroacetaldehyde	107-20-0	——	——	1 ppm	——
a-Chloroacetophenone (Phenacyl chloride)	532-21-4	0.05 ppm	0.15 ppm	——	——
Chloroacetyl chloride	79-04-9	0.05 ppm	0.15 ppm	——	——
Chlorobenzene (Monochlorobenzene)	108-90-7	75 ppm	113 ppm	——	——
o-Chlorobenzylidene malononitrile (OCBM)	2698-41-1	——	——	0.05 ppm	X
Chlorobromomethane	74-97-5	200 ppm	250 ppm	——	——
2-Chloro-1, 3-butadiene (beta-Chloroprene)	126-99-8	10 ppm	20 ppm	——	X
Chlorodifluoromethane	75-45-6	1,000 ppm	1,250 ppm	——	——
Chlorodiphenyl (42% Chlorine) (PCB) (Polychlorobiphenyls)	53469-21-9	1 mg/m^3	3 mg/m^3	——	X
Chlorodiphenyl (54% Chlorine) (Polychlorobiphenyls (PCB))	11097-69-1	0.5 mg/m^3	1.5 mg/m^3	——	X
1-Chloro-2, 3-epoxypropane (Epichlorhydrin)	106-89-8	2 ppm	4 ppm	——	X
2-Chloroethanol (Ethylene chlorohydrin)	107-07-3	——	——	1 ppm	X
Chloroethylene (vinyl chloride)	75-01-4	1 ppm	5 ppm	——	——
Chloroform (Trichloromethane)	67-66-3	2 ppm	4 ppm	——	——
1-Chloro-1-nitropropane	600-25-9	2 ppm	4 ppm	——	——
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	——	——	——	——
Chloromethyl methyl ether (Methyl chloromethyl ether) (see WAC 296-62-073)	107-30-2	——	——	——	——
Chloropentafluoroethane	76-15-3	1,000 ppm	1,250 ppm	——	——
Chloropicrin (Nitrotrichloromethan)	76-06-2	0.1 ppm	0.3 ppm	——	——
beta-Chloroprene (2-Chloro-1, 3-butadiene)	126-99-8	10 ppm	20 ppm	——	X
o-Chlorostyrene	2039-87-4	50 ppm	75 ppm	——	——
o-Chlorotoluene	95-49-8	50 ppm	75 ppm	——	——
2-Chloro-6-trichloromethyl pyridine (Nitrapyrin)	1929-82-4	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10.0 mg/m^3	——	——
Chlorpyrifos	2921-88-2	0.2 mg/m^3	0.6 mg/m^3	——	X
Chromic acid and chromates (as CrO3)	Varies with compound	——	——	0.1 mg/m^3	——
Chromium, sol, chromic chromous salts (as Cr)	7440-47-3	0.5 mg/m^3	1.5 mg/m^3	——	——
Chromium (VI) compounds (as Cr)	——	0.05 mg/m^3	0.15 mg/m^3	——	——
Chromium metal and insoluble salts	7440-47-3	0.5 mg/m^3	1.5 mg/m^3	——	——
Chromyl chloride	14977-61-8	0.025 ppm	0.075 ppm	——	——
Chrysene (Coal tar pitch volatiles)	65996-93-2	0.2 mg/m^3	0.6 mg/m^3	——	——
Clopidol	2971-90-6	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Coal dust (less than 5% SiO2)	——	——	——	——	——
Respirable fraction	——	2 mg/m^3	4 mg/m^3	——	——
Coal dust (greater than or equal to 5% SiO2)	——	——	——	——	——
Respirable fraction	——	0.1 mg/m^3	0.3 mg/m^3	——	——
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	——	——	——	——	——
(Benzo(a) pyrene), (Particulate polycyclic aromatic hydrocarbons)	65996-93-2	0.2 mg/m^3	0.6 mg/m^3	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Cobalt, metal fume & dust (as Co)	7440-48-4	0.05 mg/m^3	0.15 mg/m^3	——	——
Cobalt carbonyl (as Co)	10210-68-1	0.1 mg/m^3	0.3 mg/m^3	——	——
Cobalt hydrocarbonyl (as Co)	16842-03-8	0.1 mg/m^3	0.3 mg/m^3	——	——
Coke oven emissions (see WAC 296-62-200)	——	0.15 mg/m^3	0.45 mg/m^3	——	——
Copper (as Cu)	7440-50-8	——	——	——	——
Fume	——	0.1 mg/m^3	0.3 mg/m^3	——	——
Dusts and mists	——	1 mg/m^3	3 mg/m^3	——	——
Cotton dust (raw) (see WAC 296-62-14533)	——	1 mg/m^3	3 mg/m^3	——	——
Corundum (Aluminum oxide)	7429-90-5	10 mg/m^3	20 mg/m^3	——	——
Crag herbicide (Sesone, Sodium-2, 4-dichloro-phenoxyethyl sulfate)	136-78-7	10 mg/m^3	20 mg/m^3	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Cresol (all isomers)	1319-77-3	5 ppm	10 ppm	——	X
Crotonaldehyde	123-73-9; 4170-30-3	2 ppm	4 ppm	——	——
Crufomate	299-86-5	5 mg/m^3	10 mg/m^3	——	——
Cumene	98-82-8	50 ppm	75 ppm	——	X
Cyanamide	420-04-2	2 mg/m^3	4 mg/m^3	——	——
Cyanide (as CN)	Varies with compound	5 mg/m^3	10 mg/m^3	——	X
Cyanogen	460-19-5	10 ppm	20 ppm	——	——
Cyanogen chloride	506-77-4	——	——	0.3 ppm	——
Cyclohexane	110-82-7	300 ppm	375 ppm	——	——
Cyclohexanol	108-93-0	50 ppm	75 ppm	——	X
Cyclohexanone	108-94-1	25 ppm	38 ppm	——	X
Cyclohexene	110-83-8	300 ppm	375 ppm	——	——
Cyclohexylamine	108-91-8	10 ppm	20 ppm	——	——
Cyclonite (RDX)	121-82-4	1.5 mg/m^3	3.0 mg/m^3	——	X
Cyclopentadiene	542-92-7	75 ppm	113 ppm	——	——
Cyclopentane	287-92-3	600 ppm	750 ppm	——	——
Cyhexatin (Tricyclohexyltin hydroxide)	13121-70-5	5 mg/m^3	10 mg/m^3	——	——
2,4-D (Dichlorophenoxy-acetic acid)	94-75-7	10 mg/m^3	20 mg/m^3	——	——
DDT (Dichlorodiphenyltri-chloroethane)	50-29-3	1 mg/m^3	3 mg/m^3	——	X
DDVP, Dichlorvos	62-73-7	0.1 ppm	0.3 ppm	——	X
Decaborane	17702-41-9	0.05 ppm	0.15 ppm	——	X
Demeton	8065-48-3	0.01 ppm	0.03 ppm	——	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50 ppm	75 ppm	——	——
1, 2-Diaminoethane (Ethylenediamine)	107-15-3	10 ppm	20 ppm	——	——
Diazinon	333-41-5	0.1 mg/m^3	0.3 mg/m^3	——	X
Diazomethane	334-88-3	0.2 ppm	0.6 ppm	——	——
Diborane	19287-45-7	0.1 ppm	0.3 ppm	——	——
Dibrom (see Naled)	300-76-5	3 mg/m^3	6 mg/m^3	——	X
1, 2-Dibromo-3-chloropropane (DBCP) (see WAC 296-62-07342)	96-12-8	0.001 ppm	——	0.005 ppm	——
2-N-Dibutylamino ethanol	102-81-8	2 ppm	4 ppm	——	X
Dibutyl phosphate	107-66-4	1 ppm	2 ppm	——	——
Dibutyl phthalate	84-74-2	5 mg/m^3	10 mg/m^3	——	——
Dichloroacetylene	7572-29-4	——	——-	0.1 ppm	——
o-Dichlorobenzene	95-50-1	——	——	50 ppm	——
p-Dichlorobenzene	106-46-7	75 ppm	110 ppm	——	——
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	——	——	——	——
Dichlorodiphenyltri-chloroethane (DDT)	50-29-3	1 mg/m^3	3 mg/m^3	——	X
Dichlorodifluoromethane	75-71-8	1,000 ppm	1,250 ppm	——	——
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	0.2 mg/m^3	0.4 mg/m^3	——	——
1, 1-Dichloroethane	75-34-3	100 ppm	150 ppm	——	——
1, 2-Dichloroethane (Ethylene dichloride)	107-06-2	1 ppm	2 ppm	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
1, 2-Dichloroethylene (Acetylene dichloride)	540-59-0	200 ppm	250 ppm	——	——
1, 1-Dichloroethylene (Vinylidene chloride)	75-35-4	1 ppm	3 ppm	——	——
Dichloroethyl ether	111-44-4	5 ppm	10 ppm	——	X
Dichlorofluoromethane	75-43-4	10 ppm	20 ppm	——	——
Dichloromethane (Methylene chloride)	75-09-2	25 ppm	125 ppm	——	——
1, 1-Dichloro-1-nitroethane	594-72-9	2 ppm	10 ppm	——	——
1, 2-Dichloropropane (Propylene dichloride)	78-87-5	75 ppm	110 ppm	——	——
Dichloropropene	542-75-6	1 ppm	3 ppm	——	X
2, 2-Dichloropropionic acid	75-99-0	1 ppm	3 ppm	——	——
Dichlorotetrafluoroethane	76-14-2	1,000 ppm	1,250 ppm	——	——
Dichlorvos (DDVP)	62-73-7	0.1 ppm	0.3 ppm	——	X
Dicrotophos	141-66-2	0.25 mg/m^3	0.75 mg/m^3	——	X
Dicyclopentadiene	77-73-6	5 ppm	10 ppm	——	——
Dicyclopentadienyl iron	102-54-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Dieldrin	60-57-1	0.25 mg/m^3	0.75 mg/m^3	——	X
Diethanolamine	111-42-2	3 ppm	6 ppm	——	——
Diethylamine	109-89-7	10 ppm	25 ppm	——	——
2-Diethylaminoethanol	100-37-8	10 ppm	20 ppm	——	X
Diethylene triamine	111-40-0	1 ppm	3 ppm	——	X
Diethyl ether (Ethyl ether)	60-29-7	400 ppm	500 ppm	——	——
Diethyl ketone	96-22-0	200 ppm	250 ppm	——	——
Diethyl phthalate	84-66-2	5 mg/m^3	10 mg/m^3	——	——
Difluorodibromomethane	75-61-6	100 ppm	150 ppm	——	——
Diglycidyl ether (DGE)	2238-07-5	0.1 ppm	0.3 ppm	——	——
Dihydroxybenzene (Hydroquinone)	123-31-9	2 mg/m^3	4 mg/m^3	——	——
Diisobutyl ketone (2, 6-Dimethylheptanone)	108-83-8	25 ppm	38 ppm	——	——
Diisopropylamine	108-18-9	5 ppm	10 ppm	——	X
Dimethoxymethane (Methylal)	109-87-5	1,000 ppm	1,250 ppm	——	——
Dimethyl acetamide	127-19-5	10 ppm	20 ppm	——	X
Dimethylamine	124-40-3	10 ppm	20 ppm	——	——
4-Dimethylaminoazo benzene (see WAC 296-62-073)	60-11-7	——	——	——	——
Dimethylaminobenzene (Xylidene)	1300-73-8	2 ppm	4 ppm	——	X
Dimethylaniline (N, N-Dimethylaniline)	121-69-7	5 ppm	10 ppm	——	X
Dimethylbenzene (Xylene)	1300-73-8	2 ppm	4 ppm	——	X
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (Naled)	300-76-5	3 mg/m^3	6 mg/m^3	——	X
Dimethylformamide	68-12-2	10 ppm	20 ppm	——	X
2, 6-Dimethylheptanone (Diisobutyl ketone)	108-83-8	25 ppm	38 ppm	——	——
1, 1-Dimethylhydrazine	57-14-7	0.5 ppm	1.5 ppm	——	X
Dimethyl phthalate	131-11-3	5 mg/m^3	10 mg/m^3	——	——
Dimethyl sulfate	77-78-1	0.1 ppm	0.3 ppm	——	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	5 mg/m^3	10 mg/m^3	——	——
Dinitrobenzene (all isomers - alpha, meta and para)	528-29-0; 99-65-0; 100-25-4	0.15 ppm	0.45 ppm	——	X
Dinitro-o-cresol	534-52-1	0.2 mg/m^3	0.6 mg/m^3	——	X
Dinitrotoluene	25321-14-6	1.5 mg/m^3	3 mg/m^3	——	X
Dioxane (Diethylene dioxide)	123-91-1	25 ppm	38 ppm	——	X
Dioxathion	78-34-2	0.2 mg/m^3	0.6 mg/m^3	——	X
Diphenyl (Biphenyl)	92-52-4	0.2 ppm	0.6 ppm	——	——
Diphenylamine	122-39-4	10 mg/m^3	20 mg/m^3	——	——
Diphenylmethane diisocyanate (Methylene bisphenyl isocyanate (MDI))	101-68-8	——	——	0.02 ppm	——
Dipropylene glycol methyl ether	34590-94-8	100 ppm	150 ppm	——	X
Dipropyl ketone	123-19-3	50 ppm	75 ppm	——	——
Diquat	85-00-7	0.5 mg/m^3	1.5 mg/m^3	——	——
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	5 mg/m^3	10 mg/m^3	——	——
Disulfram	97-77-8	2 mg/m^3	4 mg/m^3	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Disulfoton	298-04-4	0.1 mg/m^3	0.3 mg/m^3	——	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	10 mg/m^3	20 mg/m^3	——	——
Diuron	330-54-1	10 mg/m^3	20 mg/m^3	——	——
Divinyl benzene	1321-74-0	10 ppm	20 ppm	——	——
Emery	12415-34-8	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Endosulfan (Thiodan)	115-29-7	0.1 mg/m^3	0.3 mg/m^3	——	X
Endrin	72-20-8	0.1 mg/m^3	0.3 mg/m^3	——	X
Epichlorhydrin (1-Chloro-2, 3-epoxypropane)	106-89-8	2 ppm	4 ppm	——	X
EPN	2104-64-5	0.5 mg/m^3	1.5 mg/m^3	——	X
1, 2-Epoxypropane (Propylene oxide)	75-56-9	20 ppm	30 ppm	——	——
2, 3-Epoxy-1-propanol (Glycidol)	556-52-5	25 ppm	38 ppm	——	——
Ethane	——	Simple asphyxiant	——	——	——
Ethanethiol (Ethyl mercaptan)	75-08-1	0.5 ppm	1.5 ppm	——	——
Ethanolamine (2-Aminoethanol)	141-43-5	3 ppm	6 ppm	——	——
Ethion	563-12-2	0.4 mg/m^3	1.2 mg/m^3	——	X
2-Ethoxyethanol (Glycol monoethyl ether)	110-80-5	5 ppm	10 ppm	——	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5 ppm	10 ppm	——	X
Ethyl acetate	141-78-6	400 ppm	500 ppm	——	——
Ethyl acrylate	140-88-5	5 ppm	25 ppm	——	X
Ethyl alcohol (ethanol)	64-17-5	1,000 ppm	1,250 ppm	——	——
Ethylamine	75-04-07	10 ppm	20 ppm	——	——
Ethyl amyl ketone (5-Methyl-3-hepatone)	541-85-5	25 ppm	38 ppm	——	——
Ethyl benzene	100-41-4	100 ppm	125 ppm	——	——
Ethyl bromide	74-96-4	200 ppm	250 ppm	——	——
Ethyl butyl ketone (3-Heptanone)	106-35-4	50 ppm	75 ppm	——	——
Ethyl chloride	75-00-3	1,000 ppm	1,250 ppm	——	——
Ethylene	74-85-1	Simple asphyxiant	——	——	——
Ethylene chlorohydrin (2-Chloroethanol)	107-07-3	——	——	1.0 ppm	X
Ethylenediamine (1,2-Diaminoethane)	107-15-3	10 ppm	20 ppm	——	X
Ethylene dibromide	106-93-4	0.1 ppm	0.5 ppm	——	——
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	1 ppm	2 ppm	——	——
Ethylene glycol	107-21-1	——	——	50 ppm	——
Ethylene glycol dinitrate	628-96-6	——	0.1 mg/m^3	——	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	——	5 ppm	10 ppm	——	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	——	——	——	X
Ethylene oxide (see WAC 296-62-07359)	75-21-8	1 ppm	3 ppm	——	——
Ethyl ether (Diethyl ether)	60-29-7	400 ppm	500 ppm	——	——
Ethyl formate	109-94-4	100 ppm	125 ppm	——	——
Ethylidine chloride (1, 1-Dichloroethane)	107-06-2	1 ppm	2 ppm	——	——
Ethylidene norbornene	16219-75-3	——	——	5.0 ppm	——
Ethyl mercaptan (Ethanethiol)	75-08-1	0.5 ppm	1.5 ppm	——	——
n-Ethylmorpholine	100-74-3	5 ppm	10 ppm	——	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	541-85-5	25 ppm	38 ppm	——	——
Ethyl silicate	78-10-4	10 ppm	20 ppm	——	——
Fenamiphos	22224-92-6	0.1 mg/m^3	0.3 mg/m^3	——	X
Fensulfothion (Dasanit)	115-90-2	0.1 mg/m^3	0.3 mg/m^3	——	——
Fenthion	55-38-9	0.2 mg/m^3	0.6 mg/m^3	——	X
Ferbam	——	——	——	——	——
Total particulate	14484-64-1	10 mg/m^3	20 mg/m^3	——	——
Ferrovanadium dust	12604-58-9	1 mg/m^3	3 mg/m^3	——	——
Fluorides (as F)	Varies with compound	2.5 mg/m^3	5 mg/m^3	——	——
Fluorine	7782-41-4	0.1 ppm	0.3 ppm	——	——
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	——	——	1,000 ppm	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Fonofos	944-22-9	0.1 mg/m^3	0.3 mg/m^3	——	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	0.75 ppm	2.0 ppm	——	——
Formamide	75-12-7	20 ppm	30 ppm	——	——
Formic acid	64-18-6	5 ppm	10 ppm	——	——
Furfural	98-01-1	2 ppm	4 ppm	——	X
Furfuryl alcohol	98-00-0	10 ppm	15 ppm	——	X
Gasoline	8006-61-9	300 ppm	500 ppm	——	——
Germanium tetrahydride	7782-65-2	0.2 ppm	0.6 ppm	——	——
Glass, fibrous or dust	——	10 mg/m^3	20 mg/m^3	——	——
Gluteraldehyde	111-30-8	——	——	0.2 ppm	——
Glycerin mist	56-81-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10.0 mg/m^3	——	——
Glycidol (2, 3-Epoxy-1-propanol)	556-52-5	25 ppm	38 ppm	——	——
Glycol monoethyl ether (2-Ethoxyethanol)	110-80-5	5 ppm	10 ppm	——	X
Grain dust (oat, wheat, barley)	——	10 mg/m^3	20 mg/m^3	——	——
Graphite, natural	7782-42-5	——	——	——	——
Respirable particulate	——	2.5 mg/m^3	5 mg/m^3	——	——
Graphite, synthetic	——	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Guthion (Azinphosmethyl)	86-50-0	0.2 mg/m^3	0.6 mg/m^3	——	X
Gypsum	13397-24-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Hafnium	7440-58-6	0.5 mg/m^3	1.5 mg/m^3	——	——
Helium	——	Simple asphyxiant	——	——	——
Heptachlor	76-44-8	0.5 mg/m^3	1.5 mg/m^3	——	X
Heptane (n-heptane)	142-82-5	400 ppm	500 ppm	——	——
2-Heptanone (Methyl n-amyl ketone)	110-43-0	50 ppm	75 ppm	——	——
3-Heptanone (Ethyl butyl ketone)	106-35-4	50 ppm	75 ppm	——	——
Hexachlorobutadiene	87-68-3	0.02 ppm	0.06 ppm	——	X
Hexachlorocyclopentadiene	77-47-4	0.01 ppm	0.03 ppm	——	——
Hexachloroethane	67-72-1	1 ppm	3 ppm	——	X
Hexachloronaphthalene	1335-87-1	0.2 mg/m^3	0.6 mg/m^3	——	X
Hexafluoroacetone	684-16-2	0.1 ppm	0.3 ppm	——	X
Hexane	——	——	——	——	——
n-hexane	110-54-3	50 ppm	75 ppm	——	——
other isomers	Varies with compound	500 ppm	1,000 ppm	——	——
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5 ppm	10 ppm	——	——
Hexone (Methyl isobutyl ketone)	108-10-1	50 ppm	75 ppm	——	——
sec-Hexyl acetate	108-84-9	50 ppm	75 ppm	——	——
Hexylene glycol	107-41-5	——	——	25 ppm	——
Hydrazine	302-01-2	0.1 ppm	0.3 ppm	——	X
Hydrogen	——	Simple asphyxiant	——	——	——
Hydrogenated terphenyls	61788-32-7	0.5 ppm	1.5 ppm	——	——
Hydrogen bromide	10035-10-6	——	——	3.0 ppm	——
Hydrogen chloride	7647-01-0	——	——	5.0 ppm	——
Hydrogen cyanide	74-90-8	——	——	4.7 ppm	X
Hydrogen fluoride	7664-39-3	——	——	3 ppm	——
Hydrogen peroxide	7722-84-1	1 ppm	3 ppm	——	——
Hydrogen selenide (as Se)	7783-07-5	0.05 ppm	0.15 ppm	——	——
Hydrogen sulfide	7783-06-4	10 ppm	15 ppm	——	——
Hydroquinone (Dihydroxybenzene)	123-31-9	2 mg/m^3	4 mg/m^3	——	——
4-Hydroxy-4-methyl-2-pentanone (Diacetone alcohol)	123-42-2	50 ppm	75 ppm	——	——
2-Hydroxypropyl acrylate	99-61-1	0.5 ppm	1.5 ppm	——	X
Indene	95-13-6	10 ppm	20 ppm	——	——
Indium and compounds (as In)	7440-74-6	0.1 mg/m^3	0.3 mg/m^3	——	——
Iodine	7553-56-2	——	——	0.1 ppm	——
Iodoform	75-47-8	0.6 ppm	1.8 ppm	——	——
Iron oxide dust and fume (as Fe)	1309-37-1	——	——	——	——
Total particulate	——	5 mg/m^3	10 mg/m^3	——	——
Iron pentacarbonyl (as Fe)	13463-40-6	0.1 ppm	0.2 ppm	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Iron salts, soluble (as Fe)	Varies with compound	1 mg/m^3	3 mg/m^3	——	——
Isoamyl acetate	123-92-2	100 ppm	150 ppm	——	——
Isoamyl alcohol (primary and secondary)	123-51-3	100 ppm	125 ppm	——	——
Isobutyl acetate	110-19-0	150 ppm	188 ppm	——	——
Isobutyl alcohol	78-83-1	50 ppm	75 ppm	——	——
Isooctyl alcohol	26952-21-6	50 ppm	75 ppm	——	X
Isophorone	78-59-1	4 ppm	——	5 ppm	——
Isophorone diisocyanate	4098-71-9	0.005 ppm	0.02 ppm	——	X
Isopropoxyethanol	109-59-1	25 ppm	38 ppm	——	——
Isopropyl acetate	108-21-4	250 ppm	310 ppm	——	——
Isopropyl alcohol	67-63-0	400 ppm	500 ppm	——	——
Isopropylamine	75-31-0	5 ppm	10 ppm	——	——
N-Isopropylaniline	768-52-5	2 ppm	4 ppm	——	X
Isopropyl ether	108-20-3	250 ppm	313 ppm	——	——
Isopropyl glycidyl ether (IGE)	4016-14-2	50 ppm	75 ppm	——	——
Kaolin	——	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Ketene	463-51-4	0.5 mg/m^3	1.5 mg/m^3	——	——
Lead inorganic (as Pb) (see WAC 296-62-07521 and 296-155-176)	7439-92-1	0.05 mg/m^3	0.15 mg/m^3	——	——
Lead arsenate (see WAC 296-62-07347)	3687-31-8	0.05 mg/m^3	0.15 mg/m^3	——	——
Lead chromate	7758-97-6	0.05 mg/m^3	0.15 mg/m^3	——	——
Limestone	1317-65-3	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Lindane	58-89-9	0.5 mg/m^3	1.5 mg/m^3	——	X
Lithium hydride	7580-67-8	0.025 mg/m^3	0.075 mg/m^3	——	——
L.P.G. (liquified petroleum gas)	68476-85-7	1,000 ppm	1,250 ppm	——	——
Magnesite	546-93-0	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Magnesium oxide fume	1309-48-4	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Malathion	121-75-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	X
Maleic anhydride	108-31-6	0.25 ppm	0.75 ppm	——	——
Manganese and compound (as Mn)	7439-96-5	——	——	5 mg/m^3	——
Manganese tetroxide and fume (as Mn)	7439-96-5	1 mg/m^3	3 mg/m^3	——	——
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	0.1 mg/m^3	0.3 mg/m^3	——	X
Manganese tetroxide (as Mn)	1317-35-7	1 mg/m^3	3 mg/m^3	——	——
Marble	1317-65-3	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Mercury (as Hg)	7439-97-6	——	——	——	——
Aryl and inorganic	——	——	——	0.1 mg/m^3	X
Organo-alkyl compounds	——	0.01 mg/m^3	0.03 mg/m^3	——	X
Vapor	——	0.05 mg/m^3	0.15 mg/m^3	——	X
Mesityl oxide	141-79-7	15 ppm	25 ppm	——	——
Methacrylic acid	79-41-4	20 ppm	30 ppm	——	X
Methane	——	Simple asphyxiant	——	——	——
Methanethiol (Methyl mercaptan)	74-93-1	0.5 ppm	1.5 ppm	——	——
Methomyl (lannate)	16752-77-5	2.5 mg/m^3	5 mg/m^3	——	——
Methoxychlor	72-43-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5 ppm	10 ppm	——	X
4-Methoxyphenol	150-76-5	5 mg/m^3	10 mg/m^3	——	——
Methyl acetate	79-20-9	200 ppm	250 ppm	——	——
Methyl acetylene (propyne)	74-99-7	1,000 ppm	1,250 ppm	——	——
Methyl acetylene-propadiene mixture (MAPP)	——	1,000 ppm	1,250 ppm	——	——
Methyl acrylate	96-33-3	10 ppm	20 ppm	——	X
Methylacrylonitrile	126-98-7	1 ppm	3 ppm	——	X
Methylal (Dimethoxy-methane)	109-87-5	1,000 ppm	1,250 ppm	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Methyl alcohol (methanol)	67-56-1	200 ppm	250 ppm	——	X
Methylamine	74-89-5	10 ppm	20 ppm	——	——
Methyl amyl alcohol (Methyl isobutyl carbinol)	108-11-2	25 ppm	40 ppm	——	X
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50 ppm	75 ppm	——	——
N-Methyl aniline (Monomethyl aniline)	100-61-8	0.5 ppm	1.5 ppm	——	X
Methyl bromide	74-83-9	5 ppm	10 ppm	——	X
Methyl-n-butyl ketone (2-Hexanone)	591-78-6	5 ppm	10 ppm	——	——
Methyl cellosolve (2-Methoxyethanol)	109-86-4	5 ppm	10 ppm	——	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5 ppm	10 ppm	——	X
Methyl chloride	74-87-3	50 ppm	100 ppm	——	——
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350 ppm	450 ppm	——	——
Methyl chloromethyl ether (chloromethyl methyl ether) (see WAC 296-62-073)	107-30-2	——	——	——	——
Methyl 2-cyanoacrylate	137-05-3	2 ppm	4 ppm	——	——
Methylcyclohexane	108-87-2	400 ppm	500 ppm	——	——
Methylcyclohexanol	25639-42-3	50 ppm	75 ppm	——	——
Methylcyclohexanone	583-60-8	50 ppm	75 ppm	——	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	0.2 mg/m^3	0.6 mg/m^3	——	X
Methyl demeton	8022-00-2	0.5 mg/m^3	1.5 mg/m^3	——	X
Methylene bisphenyl isocyanate (MDI) (Diphenylmethane diisocyanate)	101-68-8	——	——	0.02 ppm	——
4, 4'-Methylene bis (2-chloro-aniline) (MBOCA) (see WAC 296-62-073)	101-14-4	0.02 ppm	0.06 ppm	——	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	——	——	0.01 ppm	——
Methylene chloride (Dichloromethane) (see WAC 296-62-07470)	75-09-2	25 ppm	125 ppm	——	——
4, 4-Methylene dianiline	101-77-9	0.1 ppm	0.3 ppm	——	X
Methyl ethyl ketone (MEK) (2-Butanone)	78-93-3	200 ppm	300 ppm	——	——
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	——	——	0.2 ppm	——
Methyl formate	107-31-3	100 ppm	150 ppm	——	——
5-Methyl-3-heptanone (Ethyl amyl ketone)	541-85-5	25 ppm	38 ppm	——	——
Methyl hydrazine (Monomethyl hydrazine)	60-34-4	——	——	0.2 ppm	X
Methyl iodide	74-88-4	2 ppm	4 ppm	——	X
Methyl isoamyl ketone	110-12-3	50 ppm	75 ppm	——	——
Methyl isobutyl carbinol (Methyl amyl alcohol)	108-11-2	25 ppm	40 ppm	——	X
Methyl isobutyl ketone (Hexone)	108-10-1	50 ppm	75 ppm	——	——
Methyl isocyanate	624-83-9	0.02 ppm	0.06 ppm	——	X
Methyl isopropyl ketone	563-80-4	200 ppm	250 ppm	——	——
Methyl mercaptan (Methanethiol)	74-93-1	0.5 ppm	1.5 ppm	——	——
Methyl methacrylate	80-62-6	100 ppm	150 ppm	——	——
Methyl parathion	298-00-0	0.2 mg/m^3	0.6 mg/m^3	——	X
Methyl propyl ketone (2-Pentanone)	107-87-9	200 ppm	250 ppm	——	——
Methyl silicate	684-84-5	1 ppm	3 ppm	——	——
alpha-Methyl styrene	98-83-9	50 ppm	100 ppm	——	——
Mevinphos (Phosdrin)	7786-34-7	0.01 ppm	0.03 ppm	——	X
Metribuzin	21087-64-9	5 mg/m^3	10 mg/m^3	——	——
Mica (Silicates)	12001-26-2	3 mg/m^3	6 mg/m^3	——	——
Molybdenum (as Mo)	7439-98-7	——	——	——	——
Soluble compounds	——	5 mg/m^3	10 mg/m^3	——	——
Insoluble compounds (Total particulates)	——	—— 10 mg/m^3	—— 20 mg/m^3	——	——
Monocrotophos (Azodrin)	6923-22-4	0.25 mg/m^3	0.75 mg/m^3	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Monomethyl aniline (N-Methyl aniline)	100-61-8	0.5 ppm	1.5 ppm	——	X
Monomethyl hydrazine	——	——	——	0.2 ppm	——
Morpholine	110-91-8	20 ppm	30 ppm	——	X
Naled (Dibrom)	300-76-5	3 mg/m^3	6 mg/m^3	——	X
Naphtha	8030-30-6	100 ppm	150 ppm	——	X
Naphthalene	91-20-3	10 ppm	15 ppm	——	——
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	——	——	——	——
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	——	——	——	——
Neon	7440-01-9	Simple asphyxiant	——	——	——
Nickel carbonyl (as Ni)	13463-39-3	0.001 ppm	0.003 ppm	——	——
Nickel (as Ni)	7440-02-0	——	——	——	——
Metal and insoluble compounds	——	1 mg/m^3	3 mg/m^3	——	——
Soluble compounds	——	0.1 mg/m^3	0.3 mg/m^3	——	——
Nicotine	54-11-5	0.5 mg/m^3	1.5 mg/m^3	——	X
Nitrapyrin (2-Chloro-6 trichloromethyl pyridine)	1929-82-4	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Nitric acid	7697-37-2	2 ppm	4 ppm	——	——
Nitric oxide	10102-43-9	25 ppm	38 ppm	——	——
p-Nitroaniline	100-01-6	3 mg/m^3	6 mg/m^3	——	X
Nitrobenzene	98-95-3	1 ppm	3 ppm	——	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	——	——	——	——
p-Nitrochlorobenzene	100-00-5	0.5 mg/m^3	1.5 mg/m^3	——	X
4-Nitrodiphenyl (see WAC 296-62-073)	——	——	——	——	——
Nitroethane	79-24-3	100 ppm	150 ppm	——	——
Nitrogen	7727-37-9	Simple asphyxiant	——	——	——
Nitrogen dioxide	10102-44-0	——	1 ppm	——	——
Nitrogen trifluoride	7783-54-2	10 ppm	20 ppm	——	——
Nitroglycerin	55-63-0	——	0.1 mg/m^3	——	X
Nitromethane	75-52-5	100 ppm	150 ppm	——	——
1-Nitropropane	108-03-2	25 ppm	38 ppm	——	——
2-Nitropropane	79-46-9	10 ppm	20 ppm	——	——
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	——	——	——	——
Nitrotoluene	——	——	——	——	——
o-isomer	88-72-2	2 ppm	4 ppm	——	X
m-isomer	98-08-2	2 ppm	4 ppm	——	X
p-isomer	99-99-0	2 ppm	4 ppm	——	X
Nitrotrichloromethane (Chloropicrin)	76-06-2	0.1 ppm	0.3 ppm	——	——
Nitrous oxide (Nitrogen oxide)	10024-97-2	50 ppm	75 ppm	——	——
Nonane	111-84-2	200 ppm	250 ppm	——	——
Octachloronaphthalene	2234-13-1	0.1 mg/m^3	0.3 mg/m^3	——	X
Octane	111-65-9	300 ppm	375 ppm	——	——
Oil mist mineral (particulate)	8012-95-1	5 mg/m^3	10 mg/m^3	——	——
Osmium tetroxide (as Os)	20816-12-0	0.0002 ppm	0.0006 ppm	——	——
Oxalic acid	144-62-7	1 mg/m^3	2 mg/m^3	——	——
Oxygen difluoride	7783-41-7	——	——	0.05 ppm	——
Ozone	10028-15-6	0.1 ppm	0.3 ppm	——	——
Paraffin wax fume	8002-74-2	2 mg/m^3	4 mg/m^3	——	——
Paraquat	——	——	——	——	——
Respirable fraction	4685-14-7 1910-42-5 2074-50-2	0.1 mg/m^3	0.3 mg/m^3	——	X
Parathion	56-38-2	0.1 mg/m^3	0.3 mg/m^3	——	X
Particulate polycyclic aromatic hydrocarbons (coal tar pitch volatiles)	65996-93-2	0.2 mg/m^3	0.6 mg/m^3	——	——
Particulates not otherwise regulated	——	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Pentaborane	19624-22-7	0.005 ppm	0.015 ppm	——	——
Pentachloronaphthalene	1321-64-8	0.5 mg/m^3	1.5 mg/m^3	——	X
Pentachlorophenol	87-86-5	0.5 mg/m^3	1.5 mg/m^3	——	X

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Pentaerythritol	115-77-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Pentane	109-66-0	600 ppm	750 ppm	——	——
2-Pentanone (methyl propyl ketone)	107-87-9	200 ppm	250 ppm	——	——
Perchloroethylene (tetrachloroethylene)	127-18-4	25 ppm	38 ppm	——	——
Perchloromethyl mercaptan	594-42-3	0.1 ppm	0.3 ppm	——	——
Perchloryl fluoride	7616-94-6	3 ppm	6 ppm	——	——
Perlite	——	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5.0 mg/m^3	10.0 mg/m^3	——	——
Petroleum distillates (Naptha, rubber solvent)	——	100 ppm	150.0 ppm	——	——
Phenol	108-95-2	5 ppm	10 ppm	——	X
Phenothiazine	92-84-2	5 mg/m^3	10 mg/m^3	——	X
p-Phenylene diamine	106-50-3	0.1 mg/m^3	0.3 mg/m^3	——	X
Phenyl ether (vapor)	101-84-8	1 ppm	3 ppm	——	——
Phenyl ether-diphenyl mixture (vapor)	——	1 ppm	3 ppm	——	——
Phenylethylene (Styrene)	100-42-5	50 ppm	100 ppm	——	——
Phenyl glycidyl ether (PGE)	122-60-1	1 ppm	3 ppm	——	——
Phenylhydrazine	100-63-0	5 ppm	10 ppm	——	X
Phenyl mercaptan	108-98-5	0.5 ppm	1.5 ppm	——	——
Phenylphosphine	638-21-1	——	——	0.05 ppm	——
Phorate	298-02-2	0.05 mg/m^3	0.2 mg/m^3	——	X
Phosdrin (Mevinphos)	7786-34-7	0.01 ppm	0.03 ppm	——	X
Phosgene (carbonyl chloride)	75-44-5	0.1 ppm	0.03 ppm	——	——
Phosphine	7803-51-2	0.30 ppm	1 ppm	——	——
Phosphoric acid	7664-38-2	1 mg/m^3	3 mg/m^3	——	——
Phosphorus (yellow)	7723-14-0	0.1 mg/m^3	0.3 mg/m^3	——	——
Phosphorous oxychloride	10025-87-3	0.1 ppm	0.3 ppm	——	——
Phosphorus pentachloride	10026-13-8	0.1 ppm	0.3 ppm	——	——
Phosphorus pentasulfide	1314-80-3	1 mg/m^3	3 mg/m^3	——	——
Phosphorus trichloride	12-2-19	0.2 ppm	0.5 ppm	——	——
Phthalic anhydride	85-44-9	1 ppm	3 ppm	——	——
m-Phthalodinitrile	626-17-5	5 mg/m^3	10 mg/m^3	——	——
Picloram	1918-02-1	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Picric acid (2, 4, 6-Trinitrophenol)	88-89-1	0.1 mg/m^3	0.3 mg/m^3	——	X
Pindone (2-Pivalyl-1, 3-indandione, Pival)	83-26-1	0.1 mg/m^3	0.3 mg/m^3	——	——
Piperazine dihydrochloride	142-64-3	5 mg/m^3	10 mg/m^3	——	——
Pival (Pindone)	83-26-1	0.1 mg/m^3	0.3 mg/m^3	——	——
Plaster of Paris	26499-65-0	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Platinum (as Pt)	7440-06-4	——	——	——	——
Metal	——	1 mg/m^3	3 mg/m^3	——	——
Soluble salts	——	0.002 mg/m^3	0.006 mg/m^3	——	——
Polychlorobiphenyls (Chlorodiphenyls)	——	1 mg/m^3	3 mg/m^3	——	X
Portland cement	65997-15-1	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Potassium hydroxide	1310-58-3	——	——	2 mg/m^3	——
Propane	74-98-6	1,000 ppm	1,250 ppm	——	——
Propargyl alcohol	107-19-7	1 ppm	3 ppm	——	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	——	——	——	——
Propionic acid	79-09-4	10 ppm	20 ppm	——	——
Propoxur (Baygon)	114-26-1	0.5 mg/m^3	1.5 mg/m^3	——	——
n-Propyl acetate	109-60-4	200 ppm	250 ppm	——	——
n-Propyl alcohol	71-23-8	200 ppm	250 ppm	——	X
n-Propyl nitrate	627-13-4	25 ppm	40 ppm	——	——
Propylene	——	Simple asphyxiant	——	——	——
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75 ppm	110 ppm	——	——
Propylene glycol dinitrate	6423-43-4	0.05 ppm	0.15 ppm	——	X

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Propylene glycol monomethyl ether	107-98-2	100 ppm	150 ppm	——	——
Propylene imine	75-55-8	2 ppm	4 ppm	——	X
Propylene oxide (1,2-Epoxypropane)	75-56-9	20 ppm	30 ppm	——	——
Propyne (Methyl acetylene)	74-99-7	1,000 ppm	1,250 ppm	——	——
Pyrethrum	8003-34-7	5 mg/m^3	10 mg/m^3	——	——
Pyridine	110-86-1	5 ppm	10 ppm	——	——
Quinone (p-Benzoquinone)	106-51-4	0.1 ppm	0.3 ppm	——	——
RDX (Cyclonite)	——	1.5 mg/m^3	3.0 mg/m^3	——	X
Resorcinol	108-46-3	10 ppm	20 ppm	——	——
Rhodium (as Rh) Insoluble compounds,	7440-16-6	——	——	——	——
Metal fumes and dusts	——	0.1 mg/m^3	0.3 mg/m^3	——	——
Soluble compounds, salts	——	0.001 mg/m^3	0.003 mg/m^3	——	——
Ronnel	299-84-3	10 mg/m^3	20 mg/m^3	——	——
Rosin core solder, pyrolysis products (as formaldehyde)	8050-09-7	0.1 mg/m^3	0.3 mg/m^3	——	——
Rotenone	83-79-4	5 mg/m^3	10 mg/m^3	——	——
Rouge	——	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Rubber solvent (naphtha)	8030-30-6	100 ppm	150 ppm	——	——
Selenium compounds (as Se)	7782-49-2	0.2 mg/m^3	0.6 mg/m^3	——	——
Selenium hexafluoride (as Se)	7783-79-1	0.05 ppm	0.15 ppm	——	——
Sesone (Crag herbicide)	136-78-7	10 mg/m^3	20 mg/m^3	——	——
Silane (see Silicon tetrahydride)	7803-62-5	5 ppm	10 ppm	——	——
Silica, amorphous, precipitated and gel	112926-00-8	6 mg/m^3	12 mg/m^3	——	——
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	——	——	——	——
Total particulate	——	6 mg/m^3	12 mg/m^3	——	——
Respirable fraction	——	3 mg/m^3	6 mg/m^3	——	——
Silica, crystalline cristobalite	——	——	——	——	——
Respirable fraction	14464-46-1	0.05 mg/m^3	0.15 mg/m3	——	——
Silica, crystalline quartz	——	——	——	——	——
Respirable fraction	14808-60-7	0.1 mg/m^3	0.3 mg/m^3	——	——
Silica, crystalline tripoli (as quartz)	——	——	——	——	——
Respirable fraction	1317-95-9	0.1 mg/m^3	0.3 mg/m^3	——	——
Silica, crystalline tridymite	——	——	——	——	——
Respirable fraction	15468-32-3	0.05 mg/m^3	0.15 mg/m^3	——	——
Silica, fused	——	——	——	——	——
Respirable fraction	60676-86-0	0.1 mg/m^3	0.3 mg/m^3	——	——
Silicates (less than 1% crystalline silica)	——	——	——	——	——
Mica	——	——	——	——	——
Respirable fraction	12001-26-2	3 mg/m^3	6 mg/m^3	——	——
Soapstone	——	——	——	——	——
Total particulate	——	6 mg/m^3	12 mg/m^3	——	——
Respirable fraction	——	3 mg/m^3	6 mg/m^3	——	——
Talc (containing asbestos) (see WAC 296-62-07705)	——	——	——	——	——
Talc (containing no asbestos)	——	——	——	——	——
Respirable fraction	14807-96-6	2 mg/m^3	4 mg/m^3	——	——
Tremolite (see WAC 296-62-07705)	——	——	——	——	——
Silicon	7440-21-3	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Silicon carbide	409-21-2	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Silicon tetrahydride (Silane)	7803-62-5	5 ppm	10 ppm	——	——
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	0.01 mg/m^3	0.03 mg/m^3	——	——
Soapstone	——	——	——	——	——
Total particulate	——	6 mg/m^3	12 mg/m^3	——	——
Respirable fraction	——	3 mg/m^3	6 mg/m^3	——	——
Sodium azide (as HN3 or NaN3)	26628-22-8	——	——	0.1 ppm	X

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Sodium bisulfite	7631-90-5	5 mg/m^3	10 mg/m^3	——	——
Sodium-2, 4-dichloro-phenoxyethyl sulfate (Crag herbicide)	136-78-7	10 mg/m^3	20 mg/m^3	——	——
Sodium fluoroacetate	62-74-8	0.05 mg/m^3	0.15 mg/m^3	——	X
Sodium hydroxide	1310-73-2	——	——	2 mg/m^3	——
Sodium metabisulfite	7681-57-4	5 mg/m^3	10 mg/m^3	——	——
Starch	9005-25-8	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Stibine	7803-52-3	0.1 ppm	0.3 ppm	——	——
Stoddard solvent	8052-41-3	100 ppm	150 ppm	——	——
Strychnine	57-24-9	0.15 mg/m^3	0.45 mg/m^3	——	——
Styrene (Phenylethylene, Vinyl benzene)	100-42-5	50 ppm	100 ppm	——	——
Subtilisins	9014-01-1	——	0.00006 mg/m^3 (60 min.)	——	——
Sucrose	57-50-1	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Sulfotep (TEDP)	3689-24-5	0.2 mg/m^3	0.6 mg/m^3	——	X
Sulfur dioxide	7446-09-5	2 ppm	5 ppm	——	——
Sulfur hexafluoride	2551-62-4	1,000 ppm	1,250 ppm	——	——
Sulfuric acid	7664-93-9	1 mg/m^3	3 mg/m^3	——	——
Sulfur monochloride	10025-67-9	——	——	1 ppm	——
Sulfur pentafluoride	5714-22-1	——	——	0.01 ppm	——
Sulfur tetrafluoride	7783-60-0	——	——	0.1 ppm	——
Sulfuryl fluoride	2699-79-8	5 ppm	10 ppm	——	——
Sulprofos	35400-43-2	1 mg/m^3	3 mg/m^3	——	——
Systox (Demeton)	8065-48-3	0.01 ppm	0.03 ppm	——	X
2, 4, 5-T	93-76-5	10 mg/m^3	20 mg/m^3	——	——
Talc (containing asbestos) (see WAC 296-62-07705)	——	——	——	——	——
Talc (containing no asbestos)	——	——	——	——	——
Respirable fraction	14807-96-6	2 mg/m^3	4 mg/m^3	——	——
Tantalum	——	——	——	——	——
Metal and oxide dusts	7440-25-7	5 mg/m^3	10 mg/m^3	——	——
TEDP (Sulfotep)	3689-24-5	0.2 mg/m^3	0.6 mg/m^3	——	X
Tellurium and compounds (as Te)	13494-80-9	0.1 mg/m^3	0.3 mg/m^3	——	——
Tellurium hexafluoride (as Te)	7783-80-4	0.02 ppm	0.06 ppm	——	——
Temephos (Abate)	3383-96-8	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
TEPP	107-49-3	0.004 ppm	0.012 ppm	——	X
Terphenyls	26140-60-3	——	——	0.5 ppm	——
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500 ppm	625 ppm	——	——
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500 ppm	625 ppm	——	——
1, 1, 2, 2-Tetrachloroethane	79-34-5	1 ppm	3 ppm	——	X
Tetrachloroethylene (Perchloroethylene)	127-18-4	25 ppm	38 ppm	——	——
Tetrachloromethane (Carbon tetrachloride)	56-23-5	2 ppm	4 ppm	——	X
Tetrachloronaphthalene	1335-88-2	2 mg/m^3	4 mg/m^3	——	X
Tetraethyl lead (as Pb)	78-00-2	0.075 mg/m^3	0.225 mg/m^3	——	X
Tetrahydrofuran	109-99-9	200 ppm	250 ppm	——	——
Tetramethyl lead (as Pb)	75-74-1	0.075 mg/m^3	0.225 mg/m^3	——	X
Tetramethyl succinonitrile	3333-52-6	0.5 ppm	1.5 ppm	——	X
Tetranitromethane	509-14-8	1 ppm	3 ppm	——	——
Tetrasodium pyrophosphate	7722-88-5	5 mg/m^3	10 mg/m^3	——	——
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	1.5 mg/m^3	3 mg/m^3	——	X
Thallium (soluble compounds) (as Tl)	7440-28-0	0.1 mg/m^3	0.3 mg/m^3	——	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Thioglycolic acid	68-11-1	1 ppm	3 ppm	——	X
Thionyl chloride	7719-09-7	——	——	1 ppm	——
Thiram (see WAC 296-62-07519)	137-26-8	5 mg/m^3	10 mg/m^3	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Tin (as Sn)	——	——	——	——	——
Inorganic compounds (except oxides)	7440-31-5	2 mg/m^3	4 mg/m^3	——	——
Tin (as Sn)	——	——	——	——	——
Organic compounds	7440-31-5	0.1 mg/m^3	0.3 mg/m^3	——	X
Tin oxide (as Sn)	21651-19-4	2 mg/m^3	4 mg/m^3	——	——
Titanium dioxide	13463-67-7	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Toluene	108-88-3	100 ppm	150 ppm	——	——
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005 ppm	0.02 ppm	——-	——
m-Toluidine	108-44-1	2 ppm	4 ppm	——	X
o-Toluidine	95-53-4	2 ppm	4 ppm	——	X
p-Toluidine	106-49-0	2.0 ppm	4 ppm	——	X
Toxaphene (Chlorinated camphene)	8001-35-2	0.5 mg/m^3	1 mg/m^3	——	X
Tremolite (see WAC 296-62-07705)	——	——	——	——	——
Tributyl phosphate	126-73-8	0.2 ppm	0.6 ppm	——	——
Trichloroacetic acid	76-03-9	1 ppm	3 ppm	——	——
1, 2, 4-Trichlorobenzene	120-82-1	——	——	5 ppm	——
1, 1, 1-Trichloroethane (Methyl chloroform)	71-55-6	350 ppm	450 ppm	——	——
1, 1, 2-Trichloroethane	79-00-5	10 ppm	20 ppm	——	——
Trichloroethylene	79-01-6	50 ppm	200 ppm	——	——
Trichlorofluoromethane	75-69-4	——	——	1,000 ppm	——
Trichloromethane (Chloroform)	67-66-3	2 ppm	4 ppm	——	——
Trichloronaphthalene	1321-65-9	5 mg/m^3	10 mg/m^3	——	X
1, 2, 3-Trichloropropane	96-18-4	10 ppm	20 ppm	——	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000 ppm	1,250 ppm	——	——
Tricyclohexyltin hydroxide (Cyhexatin)	13121-70-5	5 mg/m^3	10 mg/m^3	——	——
Triethylamine	121-44-8	10 ppm	15 ppm	——	——
Trifluorobromomethane	75-63-8	1,000 ppm	1,250 ppm	——	——
Trimellitic anhydride	552-30-7	0.005 ppm	0.015 ppm	——	——
Trimethylamine	75-50-3	10 ppm	15 ppm	——	——
Trimethyl benzene	25551-13-7	25 ppm	38 ppm	——	——
Trimethyl phosphite	121-45-9	2 ppm	4 ppm	——	——
2, 4, 6-Trinitrophenol (Picric acid)	88-89-1	0.1 mg/m^3	0.3 mg/m^3	——	X
2, 4, 6-Trinitrophenyl-methylnitramine (Tetryl)	479-45-8	1.5 mg/m^3	3 mg/m^3	——-	X
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	0.5 mg/m^3	1.5 mg/m^3	——	X
Triorthocresyl phosphate	78-30-8	0.1 mg/m^3	0.3 mg/m^3	——	X
Triphenyl amine	603-34-9	5 mg/m^3	10 mg/m^3	——	——
Triphenyl phosphate	115-86-6	3 mg/m^3	6 mg/m^3	——	——
Tungsten (as W)	7440-33-7	——	——	——	——
Soluble compounds	——	1 mg/m^3	3 mg/m^3	——	——
Insoluble compounds	——	5 mg/m^3	10 mg/m^3	——	——
Turpentine	8006-64-2	100 ppm	150 ppm	——	——
Uranium (as U)	7440-61-1	——	——	——	——
Soluble compounds	——	0.05 mg/m^3	0.15 mg/m^3	——	——
Insoluble compounds	——	0.2 mg/m^3	0.6 mg/m^3	——	——
n-Valeraldehyde	110-62-3	50 ppm	75 ppm	——	——
Vanadium (as V2O5)	——	——	——	——	——
Respirable fraction	1314-62-1	0.05 mg/m^3	0.15 mg/m^3	——	——
Vegetable oil mist	——	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Vinyl acetate	108-05-1	10 ppm	20 ppm	——	——
Vinyl benzene (Styrene)	100-42-5	50 ppm	100 ppm	——	——
Vinyl bromide	593-60-2	5 ppm	10 ppm	——	——
Vinyl chloride (Chloroethylene) (see WAC 296-62-07329)	75-01-4	1 ppm	5 ppm	——	——
Vinyl cyanide (Acrylonitrile) (see WAC 296-62-07336)	107-13-1	2 ppm	4 ppm	10 ppm	——
Vinyl cyclohexene dioxide	106-87-6	10 ppm	20 ppm	——	X
Vinyl toluene	25013-15-4	50 ppm	75 ppm	——	——
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1 ppm	3 ppm	——	——
VM & P Naphtha	8032-32-4	300 ppm	400 ppm	——	——
Warfarin	81-81-2	0.1 mg/m^3	0.3 mg/m^3	——	——

Substance	CAS	TWA_8	STEL	Ceiling	Skin
Welding fumes (total particulate)	——	5 mg/m^3	10 mg/m^3	——	——
Wood dust	——	——	——	——	——
Nonallergenic; (All woods except allergenics)	——	5 mg/m^3	10 mg/m^3	——	——
Allergenics (e.g. cedar, mahogany and teak)	——	2.5 mg/m^3	5 mg/m^3	——	——
Xylenes (ortho, meta, and para isomers) (Dimethylbenzene)	1330-20-7	100 ppm	150 ppm	——	——
m-Xylene alpha, alpha-diamine	1477-55-0	——	——	0.1 mg/m^3	X
Xylidine (Dimethylaminobenzene)	1300-73-8	2 ppm	4 ppm	——	X
Yttrium	7440-65-5	1 mg/m^3	3 mg/m^3	——	——
Zinc chloride fume	7646-85-7	1 mg/m^3	2 mg/m^3	——	——
Zinc chromate (as CrO3)	Varies with compound	0.05 mg/m^3	——	0.1 mg/m^3	——
Zinc oxide	1314-13-2	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m	——	——
Zinc oxide fume	1314-13-2	5 mg/g^3	10 mg/m^3	——	——
Zinc stearate	557-05-1	——	——	——	——
Total particulate	——	10 mg/m^3	20 mg/m^3	——	——
Respirable fraction	——	5 mg/m^3	10 mg/m^3	——	——
Zirconium compounds (as Zr)	7440-67-2	5 mg/m^3	10 mg/m^3	——	——

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-20020, filed 10/1/03, effective 1/1/04.]

WAC 296-841-300 Definitions.

Ceiling

An exposure limit, measured over the shortest time period feasible, that must not be exceeded during any part of the employee's workday.

Dust

Solid particles suspended in air. Dusts are generated by handling, drilling, crushing, grinding, rapid impact, detonation, or decrepitation of organic or inorganic materials such as rock, ore, metal, coal, wood, grain, etc.

Exposed or exposure

The contact an employee has with a toxic substance, harmful physical agent or oxygen deficient condition. Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Fume

Solid particles suspended in air, generated by condensation from the gaseous state, generally after volatilization from molten metals, etc.

Gas

A normally formless fluid which can be changed to the liquid or solid state by the effect of increased pressure or decreased temperature or both.

Mist

Liquid droplets suspended in air, generated by condensation from the gaseous to the liquid state or by breaking up a liquid into a dispersed state, such as by splashing, foaming, spraying or atomizing.

Oxygen deficient

An atmosphere with an oxygen content below 19.5% by volume.

Permissible exposure limits (PEL)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful agents that must not be exceeded. PELs are specified in applicable WISHA rules.

Short-term exposure limit (STEL)

An exposure limit averaged over a short time period (usually measured for fifteen minutes) that must not be exceeded during any part of an employee's workday.

Time weighted average (TWA_8)

An exposure limit averaged over eight hours that must not be exceeded during an employee's workday.

Toxic substance

Any chemical substance or biological agent, such as bacteria, virus, and fungus, which is any of the following:

• Listed in the latest edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS)

• Shows positive evidence of an acute or chronic health hazard in testing conducted by, or known to, the employer.

• The subject of a material safety data sheet kept by or known to the employer showing the material may pose a hazard to human health.

Vapor

The gaseous form of a substance that is normally in the solid or liquid state.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-115, § 296-841-300, filed 10/1/03, effective 1/1/04.]

Chapter 296-842 WAC
RESPIRATORS

WAC

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296-842-18010 Make sure employees leave the use area before removing respirators.
296-842-190 Standby requirements for immediately dangerous to life or health (IDLH) conditions.
296-842-19005 Provide standby assistance in immediately dangerous to life or health (IDLH) conditions.
296-842-200 Air quality for self-contained breathing apparatus (SCBA) and air-line respirators.
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296-842-20010 Prevent conditions that could create a hazardous breathing air supply.
296-842-20015 Make sure compressors do not create a hazardous breathing air supply.
296-842-210 Labeling of air-purifying respirator filters, cartridges, and canisters.
296-842-21005 Keep labels readable on respirator filters, cartridges, and canisters during use.
296-842-220 Required procedures for respiratory protection program.
296-842-22005 Use this medical questionnaire for medical evaluations.
296-842-22010 Follow these fit-testing procedures for tight-fitting respirators.
296-842-22015 Follow procedures established for cleaning and disinfecting respirators.
296-842-22020 Follow procedures established for seal checking respirators.
296-842-300 Definitions.

WAC 296-842-100 Scope. This chapter applies to all use of respirators at work.

IMPORTANT:

Before you decide to use respirators, you are required to evaluate respiratory hazards and implement control methods as outlined in chapter 296-841 WAC, Respiratory hazards.

The term "respiratory hazards" will be used throughout this chapter to refer to oxygen deficient conditions and harmful airborne hazards.

Definition:

Respirators are a type of personal protective equipment designed to protect the wearer from respiratory hazards.

You can use Table 1 for general guidance on which chapter sections apply to you.

Table 1
Chapter sections that apply to your workplace

If employees...	Then the sections marked with an "X" apply...					
	105	110	120	130-210	220	300
Request and are **permitted** to voluntarily use filtering-facepiece respirators, and are not exposed to a respiratory hazard		X				X
Request and are **permitted** to voluntarily use respirators that are **NOT** filtering-facepiece respirators, and are not exposed to a respiratory hazard	X	X			X	X
Are **required** to use any respirator by WISHA or the employer	X		X	X	X	X
Would use an **escape respirator** in an emergency	X		X	X	X	X

Reference: See WAC 296-800-160, Personal protective equipment (PPE) to find requirements for other types of personal protective equipment (PPE), such as eye, hand, and head protection.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-100, filed 10/1/03, effective 1/1/04.]

WAC 296-842-105 Respirator program administrator.

Your responsibility:

To make sure a capable individual is in charge of respirator program development and management.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-105, filed 10/1/03, effective 1/1/04.]

WAC 296-842-10505 Designate a program administrator.

Exemption: You do not need to designate a program administrator if employees use only filtering-facepiece respirators and do so only as voluntary use.

Definition:

Voluntary use is respirator use that is requested by the employee AND permitted by the employer when **NO** respiratory hazard exists.

You must:

• Designate a program administrator who has overall responsibility for your program and has sufficient training or experience to:

– Oversee program development and coordinate implementation

– Conduct required evaluations of program effectiveness outlined in WAC 296-842-12005.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-10505, filed 10/1/03, effective 1/1/04.]

WAC 296-842-110 Voluntary respirator use requirements. Your responsibility:

To make sure voluntary use of respirators by employees does not create job safety or health hazards.

You must:

Make sure voluntary use of respirators is safe
WAC 296-842-11005

Keep voluntary use respirator program records
WAC 296-842-11010.

IMPORTANT:

• Respirator use is NOT voluntary if a respiratory hazard, such as exposure to a substance over the permissible exposure limit (PEL) or hazardous exposure to an airborne biological hazard, is present.

• To evaluate respiratory hazards in your workplace, see chapter 296-841 WAC, Respiratory hazards.

• Some requirements in this section do not apply if only filtering-facepiece respirators are used voluntarily. Some filtering-facepiece respirators are equipped with a sorbent layer

for absorbing "nuisance" organic vapors. These can be used for voluntary use, but are not NIOSH certified for protection against hazardous concentrations of organic vapor.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-110, filed 10/1/03, effective 1/1/04.]

WAC 296-842-11005 Make sure voluntary use of respirators is safe.

Definition:

Voluntary use is respirator use that is requested by the employee AND permitted by the employer when **NO** respiratory hazard exists.

IMPORTANT: If you choose to require respirator use, use is NOT voluntary and the required use sections of this chapter apply.

You must:

(1) Make sure voluntary respirator use does **NOT:**

• Interfere with an employee's ability to work safely, such as restricting necessary vision or radio communication

OR

• Create health hazards.

Note: Examples of health hazards include:
• Skin irritation, dermatitis, or other health effects caused by using a dirty respirator
• Illness created by sharing contaminated respirators
• Health effects caused by use of an unsafe air supply, such as carbon monoxide poisoning.

You must:

(2) Provide all voluntary respirator users with the advisory information in Table 2 at no cost to them.

Note: If you have provided employees with the advisory information required in the previous rule, WAC 296-62-07117, you do not need to provide the additional information in Table 2 to those employees.

You must:

(3) Develop and maintain a written program that includes the following:

Exemption: If employees use only filtering-facepiece respirators and do so only voluntarily, you do not need to develop and maintain a written program.

• Medical evaluation provisions as specified in WAC 296-842-140.

• Procedures to properly clean and disinfect respirators, according to WAC 296-842-22015, if they are reused.

• How to properly store respirators, according to WAC 296-842-17010, so that using them does not create hazards.

• Procedures to make sure there is a safe air supply, according to WAC 296-842-200, when using air-line respirators and SCBAs.

• Training according to WAC 296-842-160 when necessary to ensure respirator use does NOT create a hazard.

Note: • Pay for medical evaluations, training, travel related costs, and wages. You do **NOT** need to pay for respirators employees use only voluntarily.
• If you have both voluntary and required respirator users, you may choose to treat voluntary users as required users. Doing this exceeds the requirements in this section.

Use Table 2 to provide information to employees who voluntarily use any type of respirator.

Table 2

Advisory Information for Employees Who Voluntarily Use Respirators

• Respirators protect against airborne hazards when properly selected and used. WISHA recommends voluntary use of respirators when exposure to substances is below WISHA permissible exposure limits (PELs) because respirators can provide you an additional level of comfort and protection.

• If you choose to voluntarily use a respirator (whether it is provided by you or your employer) be aware that **respirators can create hazards for you,** the user. You can avoid these hazards if you know how to use your respirator properly AND how to keep it clean. Take these steps:

– Read and follow all instructions provided by the manufacturer about use, maintenance (cleaning and care), and warnings regarding the respirator's limitations.

– Choose respirators that have been certified for use to protect against the substance of concern. The National Institute for Occupational Safety and Health (NIOSH) certifies respirators. If a respirator is not certified by NIOSH, you have no guarantee that it meets minimum design and performance standards for workplace use.

? A NIOSH approval label will appear on or in the respirator packaging. It will tell you what protection the respirator provides.

– Keep track of your respirator so you do not mistakenly use someone else's.

– **DO NOT** wear your respirator into:

? Atmospheres containing hazards that your respirator is not designed to protect against. For example, a respirator designed to filter dust particles will not protect you against solvent vapor, smoke or oxygen deficiency.

? Situations where respirator use is required.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-11005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-11010 Keep voluntary use program records.

Exemption: If employees use only filtering-facepiece respirators voluntarily, you do not need to follow these record-keeping requirements.

You must:

• Keep copies of:

– Your current written respirator program

– Written recommendations from the LHCP

• Allow records required by this section to be examined and copied by affected employees and their representatives.

Reference: See chapter 296-62 WAC, Part B, Access to records for additional requirements that apply to medical records.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-11010, filed 10/1/03, effective 1/1/04.]

WAC 296-842-120 Written respirator program and recordkeeping.

Your responsibility:

To develop, implement, and maintain a written program that provides clear instruction for safe and reliable respirator use.

You must:

Develop and maintain a written program
WAC 296-842-12005
Keep respirator program records
WAC 296-842-12010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-120, filed 10/1/03, effective 1/1/04.]

WAC 296-842-12005 Develop and maintain a written program.

Exemption: This section does **NOT** apply to respirator use that is voluntary. See WAC 296-842-11005 for voluntary use program requirements.

You must:

(1) Develop a complete worksite-specific written respiratory protection program that includes the applicable elements listed in Table 3.

Note: Pay for respirators, medical evaluations, fit testing, training, maintenance, travel costs, and wages.

You must:

(2) Keep your program current and effective by evaluating it and making corrections. Do ALL of the following:

• Make sure procedures and program specifications are followed and appropriate.

• Make sure selected respirators continue to be effective in protecting employees. For example:

– If changes in work area conditions, level of employee exposure, or employee physical stress have occurred, you need to reevaluate your respirator selection.

• Have supervisors periodically monitor employee respirator use to make sure employees are using them properly.

• Regularly ask employees required to use respirators about their views concerning program effectiveness and whether they have problems with:

– Respirator fit during use

– Any effects of respirator use on work performance

– Respirators being appropriate for the hazards encountered

– Proper use under current worksite conditions

– Proper maintenance.

When developing your written program include applicable elements listed in Table 3.

Table 3

Required Elements for Required-Use Respirator Programs
• Selection: – Procedures for respirator selection – A list specifying the appropriate respirator for each respiratory hazard in your workplace – Procedures for issuing the proper type of respirator, if appropriate
• Medical evaluation provisions
• Fit-test provisions and procedures, if tight-fitting respirators are selected
• Training provisions that address: – Respiratory hazards encountered during: ?Routine activities ?Infrequent activities, for example, bimonthly cleaning of equipment ?Reasonably foreseeable emergencies, for example, rescue, spill response, or escape situations – Proper use of respirators, for example, how to put on or remove respirators, and use limitations. **Note:** You do NOT need to repeat training on respiratory hazards if employees have been trained on this in compliance with other rules such as WAC 296-800-170, employer chemical hazard communication in the WISHA safety and health core rules.
• Respirator use procedures for: – Routine activities – Infrequent activities – Reasonably foreseeable emergencies
• Maintenance: – Procedures and schedules for respirator maintenance covering: ?Cleaning and disinfecting ?Storage ?Inspection and repair ?When to discard respirators – A cartridge or canister change schedule **IF** air-purifying respirators are selected for use against gas or vapor contaminants AND an end-of-service-life-indicator (ESLI) is not available. In addition, provide: ?The data and other information you relied on to calculate change schedule values (for example, highest contaminant concentration estimates, duration of employee respirator use, expected maximum humidity levels, user breathing rates, and safety factors)
• Procedures to ensure a safe air quantity and quality **IF** atmosphere-supplying respirators (air-line or SCBA) are selected
• Procedures for evaluating program effectiveness on a regular basis

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-12005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-12010 Keep respirator program records.

You must:

• Keep the following records:

– Your current respirator program

– Each employee's current fit test record, if fit testing is conducted. Fit test records must include:

?Employee name

?Test date

?Type of fit-test performed

?Description (type, manufacturer, model, style, and size) of the respirator tested

?Results of fit tests, for example, for quantitative fit tests include the overall fit factor AND a print out, or other recording of the test.

– Training records that include employee's names and the dates trained

– Written recommendations from the LHCP.

• Allow records required by this section to be examined and copied by affected employees and their representatives.

Reference: See chapter 296-62 WAC, Part B, Access to records, for additional requirements that apply to medical records.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-12010, filed 10/1/03, effective 1/1/04.]

WAC 296-842-130 Respirator selection.

Your responsibility:

To select and provide respirators that are appropriate for the hazard, user, and worksite conditions.

Exemption: This section does NOT apply to voluntary respirator use. See WAC 296-842-110 of this chapter for voluntary use program requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-130, filed 10/1/03, effective 1/1/04.]

WAC 296-842-13005 Select and provide appropriate respirators.

IMPORTANT:

See chapter 296-841, Respiratory hazards, for:

• Hazard evaluation requirements. Evaluation results are necessary for respirator selection.

• A list of substance-specific rules that may also apply to you. Those listed rules have additional respirator selection requirements.

You must:

• Select and provide, at no cost to employees, appropriate respirators for routine use, infrequent use, and reasonably foreseeable emergencies (such as escape, emergency, and spill response situations) by completing the following process:

Respirator Selection Process

Step 1: If your only respirator use is for escape, skip to **Step 9** to select appropriate respirators.

Step 2: If the respiratory hazard is a biological aerosol, such as TB (tuberculosis), anthrax, psittacosis (parrot fever), or hanta virus, select a respirator appropriate for **nonemergency** activities recognized to present a health risk to workers AND skip to **Step 9.**

• If respirator use will occur during **emergencies,** skip to **Step 9** and document the analysis used to select the appropriate respirator.

• Use Centers for Disease Control (CDC) selection guidance for exposures to specific biological agents when this guidance exists. Visit http://www.cdc.gov.

Step 3: If the respiratory hazard is a pesticide, follow the respirator specification on the pesticide label AND skip to **Step 10.**

Step 4: Determine the expected exposure concentration for each respiratory hazard of concern. Use the results from the evaluation required by chapter 296-841 WAC, Respiratory hazards.

Step 5: Determine if the respiratory hazard is classified as IDLH; if it is NOT IDLH skip to **Step 8.**

• The respiratory hazard **IS** classified as IDLH if:

– The atmosphere is oxygen deficient or oxygen enriched

OR

– You CANNOT measure or estimate your expected exposure concentration

OR

– Your measured or estimated expected exposure concentration is greater or equal to the IDLH value in the NIOSH *Pocket Guide to Chemical Hazards*

Note: • WISHA uses the IDLH values in the 1990 edition of the NIOSH *Pocket Guide to Hazardous Chemicals* to determine the existence of IDLH conditions. You may use more recent editions of this guide. Visit www.cdc.gov/niosh for more information.
• If your measured or estimated expected exposure concentration is below NIOSH's IDLH values, proceed to **Step 8.**

Step 6: Select an appropriate respirator from one of the following respirators for IDLH conditions and skip to **Step 9:**

• Full-facepiece, pressure demand, self-contained breathing apparatus (SCBA) certified by NIOSH for a minimum service life of thirty minutes

OR

• Full-facepiece, pressure demand air-line respirator equipped with an auxiliary self-contained air supply

Exception: If the respiratory hazard is oxygen deficiency AND you can show oxygen concentrations can be controlled within the ranges listed in Table 4 under ALL foreseeable conditions, you are allowed to select **ANY** type of SCBA or air-line respirator:

Table 4
Concentration Ranges for Oxygen Deficiency

Altitude (as ft. above sea level)	**Oxygen Concentration Range** (as percent oxygen)
Below 3,001	16.0 - 19.5
3,001 - 4,000	16.4 - 19.5
4,001 - 5,000	17.1 - 19.5
5,001 - 6,000	17.8 - 19.5
6,001 - 8,000	19.3 - 19.5
Above 8,000 feet the exception does not apply.	

Step 8: Identify respirator types with assigned protection factors (APFs) from Table 5 that are appropriate to protect employees from the expected exposure concentration.

Step 9: Consider hazards that could require selection of specific respirator types. For example, select full-facepiece respirators to prevent eye irritation or abrasive blasting helmets to provide particle rebound protection.

Step 10: Evaluate user and workplace factors that might compromise respirator performance, reliability or safety.

• If the respiratory hazard is a pesticide, follow the requirements on the pesticide label and skip to **Step 12.**

Examples:

• High humidity or temperature extremes in the workplace.

• Necessary voice communication.

• High traffic areas and moving machinery.

• Time or distance for escape.

Step 11: Follow Table 6 requirements to select an air-purifying respirator.

• If Table 6 requirements cannot be met, you must select an air-line respirator or an SCBA.

Step 12: Make sure respirators you select are certified by the National Institute for Occupational Safety and Health (NIOSH).

• To maintain certification, make sure the respirator is used according to cautions and limitations specified on the NIOSH approval label.

Note: While selecting respirators, you will need to select a sufficient number of types, models or sizes to provide for fit testing. You can also consider other respirator use issues, such as accommodating facial hair with a loose fitting respirator.

Use Table 5 to identify the assigned protection factor for different types of respirators.

Table 5
Assigned Protection Factors (APF) for Respirator Types

If the respirator is a(n) . . .	Then the APF is . . .
Air-purifying respirator with a:	
• Half-facepiece	10
• Full-facepiece	100
Note: Half-facepiece includes 1/4 masks, filtering facepieces, and elastomeric facepieces.	
Powered air-purifying respirator (PAPR) with a:	
• Loose-fitting facepiece	25
• Half-facepiece	50
• Full-facepiece, equipped with HEPA filters, chemical cartridges or canisters	1000
• Hood or helmet, equipped with HEPA filters, chemical cartridges or canisters	1000
Air-line respirator with a:	
• Half-facepiece and designed to operate in demand mode	10
• Loose-fitting facepiece and designed to operate in continuous flow mode	25
• Half-facepiece and designed to operate in continuous-flow, or pressure-demand mode	50
• Full-facepiece and designed to operate in demand mode	100
• Full-facepiece and designed to operate in continuous-flow OR pressure-demand mode	1000
• Helmet or hood and designed to operate in continuous-flow mode .	1000
Self-contained breathing apparatus (SCBA) with a tight fitting:	
• Half-facepiece and designed to operate in demand mode	10
• Full-facepiece and designed to operate in demand mode	100
• Full-facepiece and designed to operate in pressure-demand mode	10,000
Combination respirators:	
• Find the APF for each type of respirator in the combination.	The lowest value
• Use the lower APF to represent the combination.	

Use Table 6 to select air-purifying respirators for particle, vapor, or gas contaminants.

Table 6
Requirements for Selecting Any Air-purifying Respirator

If the contaminant is a . . .	Then . . .
• Gas OR vapor	• Provide a respirator with canisters or cartridges equipped with a NIOSH-certified, end-of-service-life indicator (ESLI) **OR** • If a canister or cartridge with an ESLI is NOT available, develop a cartridge change schedule to make sure the canisters or cartridges are replaced before they are no longer effective **OR** • Select an atmosphere-supplying respirator
• Particle, such as a dust, spray, mist, fog, fume, or aerosol	• Select respirators with filters certified to be at least 95% efficient by NIOSH – For example, N95s, R99s, P100s, or High Efficiency Particulate Air filters (HEPA) **OR** • You may select respirators NIOSH certified as "dust and mist," "dust, fume, or mist," OR "pesticides." You can only use these respirators if particles primarily have a mass median aerodynamic diameter of at least two micrometers. **Note:** These respirators are no longer sold for occupational use.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-13005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-140 Medical evaluations.

Your responsibility:

To make sure a respirator used under your specific worksite conditions is not a health risk to employees.

Exemption: This section does **NOT** apply to employees who **only** use:
• Filtering-facepiece respirators voluntarily. See WAC 296-842-110 of this chapter for voluntary use requirements
OR
• Escape-only respirators that are mouthpiece, loose-fitting, or hooded respirators.

IMPORTANT:

• Using a respirator can create physical risks for an employee each time it is worn. The extent of these risks depends on these factors:

• Type of respirator
• Environmental conditions at the worksite
• Physical demands of the work
• Use of other protective clothing
• Employee's health status.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-140, filed 10/1/03, effective 1/1/04.]

WAC 296-842-14005 Provide medical evaluations.

IMPORTANT:

If you have provided an employee with a medical evaluation addressing respirator use, as required by another chapter, that evaluation will meet the requirements of this section.

You must:

• Follow the medical evaluation process, Steps 1 through 7 in this section, to provide medical evaluations for employees at no cost to them.

Medical Evaluation Process

Step 1: Identify employees who need medical evaluations AND determine the frequency of evaluations from Table 7. Include employees who:

• Are required to use respirators
OR
• Voluntarily use respirators that are **not** filtering-facepiece respirators

Note: You may use a previous employer's medical evaluation for an employee if you can:
• Show the employee's previous work and use conditions were substantially similar to yours
AND
• Obtain a copy of the licensed health care professional's (LHCP's) written recommendation approving the employee's use of the respirator chosen by you.

Step 2: Identify a licensed health care professional (LHCP) to perform your medical evaluations.

Note: If you select a different LHCP, you do not need to have new medical evaluations done.

Step 3: Make sure your LHCP has the following information **before** the evaluation is completed:

• Information describing the respirators employees may use, including the weight and type.

• How the respirators will be used, including:

– How often the respirator will be used, for example, daily, or once a month

– The duration of respirator use, for example, a minimum of one hour, or up to twelve hours

– The employee's expected physical work effort

– Additional personal protective clothing and equipment to be worn

– Temperature and humidity extremes expected during use

• A copy of your written respiratory protection program **and** this chapter.

Note: • You may choose to send the questionnaire to the LHCP ahead of time, giving time to review it and add any necessary questions
• The LHCP determines what questions to add to the questionnaire, if any; however, questions in Parts 1-3 may not be deleted or substantially altered.

Step 4: Administer the medical questionnaire in WAC 296-842-22005 to employees, OR provide them a medical exam that obtains the same information.

Note: You may use on-line questionnaires if the questions are the same and requirements of this section are met.

• Administer the examination or questionnaire at no cost to employees:

– During the employee's normal working hours
OR
– At a time and place convenient to the employee

• Maintain employee confidentiality during examination or questionnaire administration:

– Do **not** view employee's answers on the questionnaire

– Do **not** act in a manner that may be considered a breach of confidentiality

Note: Providing confidentiality is important for securing successful medical evaluations. It helps make sure the LHCP gets complete and dependable answers on the questionnaire.

• Make sure employees understand the content of the questionnaire.

• Provide the employee with an opportunity to discuss the questionnaire or exam results with the LHCP.

Step 5: Provide follow-up evaluation for employees when:

• The LHCP needs more information to make a final recommendation
OR
• An employee gives any positive response to questions 1-8 in Part 2 OR to questions 1-6 in Part 3 of the WISHA medical evaluation questionnaire in WAC 296-842-22005.

Note: Follow-up may include:
• Employee consultation with the LHCP such as a telephone conversation to evaluate positive questionnaire responses
• Medical exams
• Medical tests or other diagnostic procedures.

Step 6: Obtain a written recommendation from the LHCP that contains only the following medical information:

• Whether or not the employee is medically able to use the respirator

• Any limitations of respirator use for the employee

• What future medical evaluations, if any, are needed

• A statement that the employee has been provided a copy of the written recommendation.

Step 7: Provide a powered, air-purifying respirator (PAPR) when the LHCP determines the employee should not wear a negative-pressure air-purifying respirator **AND** is able to wear a PAPR.

Reference: See WAC 296-842-130 for requirements regarding selection of air-purifying respirators.

Note: • You may discontinue medical evaluations for an employee when the employee no longer uses a respirator.
• If you have staff conducting your medical evaluations, they may keep completed questionnaires and findings as confidential medical records, if they are maintained separately from other records.

Use Table 7 to determine medical evaluation frequency.

Table 7
Evaluation Frequency

Type of Evaluation:	When required:
Initial medical evaluations	• Before respirators are fit-tested or used in the workplace.
Subsequent medical evaluations	• If any of these occur: – Your licensed health care professional (LHCP) recommends them; for example, periodic evaluations at specified intervals. – A respirator program administrator or supervisor informs you that an employee needs reevaluation. – Medical signs or symptoms (such as breathing difficulties) are: ?Observed during fit testing or program evaluation **OR** ?Reported by the employee – Changes in worksite conditions such as physical work effort, personal protective clothing, or temperature that could substantially increase the employee's physiological stress.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-14005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-150 Fit testing.

Your responsibility:

To make sure negative and positive-pressure tight-fitting respirators can provide an adequate fit and acceptable level of comfort to employees.

Exemption: This section does **NOT** apply to any respirators that are:
• Voluntarily used. See WAC 296-842-110 for voluntary use requirements.
• Mouthpiece respirators.

IMPORTANT:

• Fit testing is an activity where the seal of a respirator is tested to determine if it is adequate.

• This section covers general **requirements** for fit testing. Fit testing **procedures** are covered in WAC 296-842-22010 of this chapter.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-150, filed 10/1/03, effective 1/1/04.]

WAC 296-842-15005 Conduct fit testing.

You must:

• Provide, at no cost to the employee, fit tests for ALL tight fitting respirators on the following schedule:

– Before employees are assigned duties that may require the use of respirators

– At least every twelve months after initial testing

– Whenever any of the following occurs:

?A different respirator facepiece is chosen such as a different type, model, style, or size

?You become aware of a physical change in an employee that could affect respirator fit. For example, you may observe, or be told about, facial scarring, dental changes, cosmetic surgery, or obvious weight changes

?An employee notifies you, or your LHCP, that the respirator fit is unacceptable. During the retest, you must give an employee reasonable opportunity to select a different respirator facepiece (size, model, etc.).

Note: You may accept a fit test completed by a previous employer **IF:**
• You obtain written documentation of the fit test
AND
• The results of the fit test are not more than twelve months old
AND
• The employee will use the same respirator (the same type, model, style, and size)
AND
• The fit test was conducted in a way that meets the requirements of WAC 296-842-150 and 296-842-22010.

You must:

• Select an appropriate fit-testing procedure from WAC 296-842-22010 of this chapter AND:

– Use quantitative fit-test methods when a negative pressure respirator will be used in concentrations requiring a protection factor greater than 10. This includes:

?Full facepiece air-purifying respirators

?SCBAs operated in demand (negative pressure) mode

?Air-line respirators operated in demand mode.

– Make sure PAPRs, SCBAs, or air-line respirators are fit tested in negative-pressure mode.

• Make sure the person conducting fit testing is able to do ALL of the following:

– Prepare test solutions if required

– Make sure equipment works properly

– Perform tests properly

– Recognize invalid tests

– Calculate fit factors properly if required.

Note:
• No specific training program or certification is required for those who conduct fit tests.
• You should consider evaluating these individuals to determine their proficiency in the fit-testing method to be used.
• You can use an evaluation form such as the form included in the American National Standard for Respirator Fit Testing Methods, ANSI/AIHA Z88.10-2001 to determine if the individual meets these requirements. Visit www.ansi.org or www.aiha.org.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-15005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-160 Training.

Your responsibility:

To make sure employees who are required to use respirators understand and can demonstrate proper respirator use and maintenance.

IMPORTANT:

This section applies to employees who voluntarily use respirators only when training is necessary to prevent the respirator from creating a hazard. See WAC 296-842-110 for voluntary use requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-160, filed 10/1/03, effective 1/1/04.]

WAC 296-842-16005 Provide effective training.

You must:

• Train employees, based on their duties, if they do any of the following:

– Use respirators

– Supervise respirator users

– Issue, repair, or adjust respirators

• Present effective training in a way that employees understand.

Note: • Training may be provided using audiovisuals, slide presentations, formal classroom instruction, informal discussions during safety meetings, training programs conducted by outside sources, or a combination of these methods.
• You may want to have instructors available when using video or automated training methods to:
– Encourage and provide responses to questions for the benefit of employees
– Evaluate employees' understanding of the material
– Provide other instructional interaction to employees.

You must:

• Make sure a qualified instructor provides training

• Provide training, at no cost to the employee, at these times:

– Initially, before worksite respirator use begins

– Periodically, within twelve months of the previous training

– Additionally, when the following occur:

?The employee has not retained knowledge or skills

OR

?Changes in the worksite, or type of respirator make previous training incomplete or obsolete.

Note: • You may accept an employee's previous training, such as training provided by another employer, to satisfy the initial training requirement if:
– You can demonstrate the employee received training within the past twelve months
AND
– The employee can demonstrate the knowledge and skills to use required respirators effectively.
• If you accept an employee's previous training to satisfy the initial training requirement, you are still responsible for providing periodic, and additional training when needed. Periodic training would need to be provided within twelve months of the employee's previous training.

You must:

• Make sure employees can demonstrate the following knowledge and skills as required by their duties:

– Why the respirator is necessary. Include, for example, information identifying respiratory hazards such as hazardous chemicals, the extent of the employee's exposure, and potential health effects and symptoms

– The respirator's capabilities and limitations. Include, for example, how the respirator provides protection and why air-purifying respirators cannot be used in oxygen-deficient conditions

– How improper fit, use, or maintenance can compromise the respirator's effectiveness and reliability

– How to properly inspect, put on, seal check, use, and remove the respirator

– How to clean, disinfect, repair, and store the respirator, or how to get this done by someone else

– How to use the respirator effectively in emergency situations; including what to do when a respirator fails and where emergency respirators are stored

– Medical signs and symptoms that may limit or prevent the effective use of respirators such as shortness of breath or dizziness

– The employer's general obligations under this chapter. For example, developing a written program, selecting appropriate respirators, and providing medical evaluations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-16005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-170 Maintenance.

Your responsibility:

To make sure respirators are maintained so they will function properly and not create health hazards such as skin irritation.

You must:

Maintain respirators in a clean and reliable condition
WAC 296-842-17005
Store respirators properly
WAC 296-842-17010
Inspect and repair respirators
WAC 296-842-17015

IMPORTANT:

This section applies to employees who voluntarily use respirators only when maintenance is necessary to prevent the respirator from creating a hazard. See WAC 296-842-110 for voluntary use requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-170, filed 10/1/03, effective 1/1/04.]

WAC 296-842-17005 Maintain respirators in a clean and reliable condition.

You must:

• Make sure respirators are kept, at no cost to the employee, clean, sanitary and in good working order. Do at least the following:

– Clean and disinfect respirators as often as specified in Table 8 of this section.

Note: • Use required cleaning and disinfecting procedures in WAC 296-842-22015, **or** the manufacturer's procedures that:
– Result in a clean and sanitary respirator
– Do not damage the respirator
– Do not harm the user
• Automated cleaning and disinfecting are permitted
• Cleaning and disinfecting may be done by a central facility as long as you make sure respirators provided are clean, sanitary, and function properly.

You must:

– Make sure respirators are assembled properly after cleaning or disinfecting.

Use Table 8 to determine how often to clean and disinfect respirators.

Table 8
Required Frequencies for Cleaning and Disinfecting Respirators

If, the respirator will be . . .	Then, clean and disinfect the respirator . . .
• **Used exclusively** by one employee	• As often as needed to: – Keep it clean and functional **AND**

If, the respirator will be . . .	Then, clean and disinfect the respirator . . .
	– To prevent health hazards such as skin irritation
• Shared for nonemergency use **OR** • Used for fit-testing or training	• **Before** it is worn by another employee
• Shared for emergency use	• **After** each use so the respirator is immediately ready for use at all times

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-17005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-17010 Store respirators properly.

You must:

• Store respirators to protect them from ALL of the following:

– Deformation of the facepiece or exhalation valve

– Sunlight or extreme temperatures or other conditions

– Contamination such as dust or damaging chemicals

– Excessive moisture.

Note: Use coffee cans, sealable plastic bags, or other suitable means of protection.

You must:

• Follow these additional requirements for emergency respirators:

– Keep respirators accessible to the work area

– Store respirators in compartments or with covers clearly marked as containing emergency respirators

– Follow additional storage instructions from the respirator manufacturer

– Store an adequate number of emergency respirators in each area where they may be needed.

Note: Emergency respirators include mouthpiece respirators and other respirators that are limited to escape-only use by their NIOSH certification.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-17010, filed 10/1/03, effective 1/1/04.]

WAC 296-842-17015 Inspect and repair respirators.

You must:

• Conduct respirator inspections as often as specified in Table 9.

• Make sure respirator inspections cover **all** of the following:

– Respirator function

– Tightness of connections

– The condition of the facepiece, head straps, valves, connecting tubes, and cartridge, canisters or filters

– Pliability and deterioration of elastomeric parts

– Maintenance of air or oxygen cylinders

– Making sure SCBA air cylinders are at ninety percent of the manufacturer's recommended pressure level

– Proper functioning of SCBA regulators when air-flow is activated

– Proper functioning of SCBA low-pressure warning devices when activated

• Certify inspections for emergency respirators by documenting the following:

– Inspection date

– Serial number of each respirator or other identifying information

– Inspector's name or signature

– Inspection findings

– Required action, if problems are found.

Note: • When documenting inspections you may either:

– Provide the information on a tag or label and attach it to the respirator compartment

OR

– Include the information in an inspection report stored in paper or electronic files accessible to employees.

You must:

• Repair or replace any respirator that is not functioning properly **before** the employee returns to a situation where respirators are required.

– If respirators fail inspection or are not functioning properly during use due to problems such as leakage, vapor or gas breakthrough, or increased breathing resistance, **ALL** of the following apply:

? Do **NOT** permit such respirators to be used until properly repaired or adjusted

? Use only NIOSH-certified parts

? Make sure repairs and adjustments are made by appropriately trained individuals

– Use the manufacturer or a technician trained by the manufacturer to repair or adjust reducing and admission valves, regulators, and warning devices on SCBAs or air-line respirators.

? Follow the manufacturer's recommendations and specifications for the type and extent of repairs.

Use Table 9 to determine how often to inspect respirators.

Table 9
Required Frequencies for Respirator Inspections

If the respirator is . . .	Then inspect . . .
A SCBA in any use	• Before **each** use **AND** • During cleaning **OR** • Monthly if **NOT** used
Used for nonemergencies, including day-to-day or infrequent use	• Inspect before each use **AND** • During cleaning
Used only for emergencies	• Check for proper function before **and** after **each** use **AND** • Inspect at least monthly as instructed by the manufacturer
Used for escape-only purposes	• Before carrying into a work place for use

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-17015, filed 10/1/03, effective 1/1/04.]

WAC 296-842-180 Safe use and removal of respirators.

Your responsibility:

To make sure respirator use and removal is safe.

Exemption: These sections do **NOT** apply to employees who voluntarily use any type of respirator. See WAC 296-842-110 for voluntary use requirements.

You must:

Prevent sealing problems with tight-fitting respirators

WAC 296-842-18005

Make sure employees leave the use area before removing respirators

WAC 296-842-18010.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-180, filed 10/1/03, effective 1/1/04.]

WAC 296-842-18005 Prevent sealing problems with tight-fitting respirators.

You must:

• Make sure employees use the procedure in WAC 296-842-22020 to perform a user seal check each time they put on their tight-fitting respirator.

• Make sure you do NOT permit respirator use if employees have a characteristic that interferes with the respirator facepiece seal or valve function. For example, stubble, moustaches, sideburns, bangs, hairlines, or scars between the face and the sealing surface of the respirator will affect the seal.

• Make sure corrective glasses or personal protective equipment (PPE) do **NOT** interfere with the facepiece seal. Examples of PPE include safety glasses, goggles, faceshields, clothing, and hard hats.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-18005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-18010 Make sure employees leave the use area before removing respirators.

You must:

• Make sure employees leave the use area for **any** of these reasons:

– To replace air-purifying filters, cartridges, or canisters

– When they smell or taste (detect) vapor or gas leakage from, for example, cartridges, canister, or the facepiece seal

– When they detect changes in breathing resistance

– To readjust their respirators

– To wash their faces and respirators as necessary to prevent skin or eye irritation

– If they become ill

– If they experience sensations of dizziness, nausea, weakness, breathing difficulty, coughing, sneezing, vomiting, fever, or chills.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-18010, filed 10/1/03, effective 1/1/04.]

WAC 296-842-190 Standby requirements for immediately dangerous to life or health (IDLH) conditions.

Your responsibility:

To provide adequate assistance to employees using respirators in conditions immediately dangerous to life or health (IDLH).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-190, filed 10/1/03, effective 1/1/04.]

WAC 296-842-19005 Provide standby assistance in immediately dangerous to life or health (IDLH) conditions.

IMPORTANT:

WISHA currently uses the IDLH values in the 1990 NIOSH *Pocket Guide to Chemical Hazards* to determine the existence of IDLH conditions. You may use more recent editions of this guide. Visit www.cdc.gov/niosh for more information.

You must:

• Provide at least two standby employees outside the IDLH area.

Note: You need only one standby employee **if** the IDLH condition is well characterized, will remain stable **AND** you can show one employee can adequately do **ALL** of the following:
• Monitor employees in the IDLH area
• Implement communication
• Initiate rescue duties.

• Train and equip standby employees to provide effective emergency rescue. Equip them with:

– A pressure-demand SCBA or a pressure-demand air-line respirator with an auxiliary SCBA, for each standby employee

– Appropriate retrieval equipment, when it would help with the effective rescue of the entrant, or an equivalent means of rescue

• Make sure standby employees maintain visual, voice, or signal line communication with employees in the IDLH area

• Make sure that in the event of an emergency:

– Standby employees notify you or your designee before they enter the IDLH area to provide emergency rescue

– You provide necessary assistance when notified.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-19005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-200 Air quality for self-contained breathing apparatus (SCBA) and air-line respirators.

Your responsibility:

To provide employees who use SCBAs or air-line respirators with an acceptable air supply.

You must:

Make sure breathing air and oxygen meet established specifications

WAC 296-842-20005

Prevent conditions that could create a hazardous breathing air supply

WAC 296-842-20010

Make sure compressors do not create a hazardous breathing air supply

WAC 296-842-20015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-200, filed 10/1/03, effective 1/1/04.]

WAC 296-842-20005 Make sure breathing air and oxygen meet established specifications.

You must:

• Make sure that all SCBAs and air-line respirators are provided with safe breathing air and oxygen according to the following:

– Compressed breathing air must meet the following specifications for Grade D air:

?Oxygen (volume/volume) within 19.5-23.5%

? Hydrocarbon (condensed): NO MORE than five milligrams per cubic meter of air

?Carbon **monoxide** (CO): NO MORE than ten parts per million (ppm)

?Carbon **dioxide** (CO2): NO MORE than 1,000 ppm

?No noticeable odor

Reference: See the American National Standards Institute - Compressed Gas Association Commodity Specification for Air (G-7.1.1989) for more information. Contact your local library to access a copy.

– Make sure the moisture content of the air supplied meets the following:

? Air supplied to respirators from cylinders must **NOT** exceed a dew point of -50°F (or -45.6°C) at 1 atmospheric pressure.

?Compressor supplied air must **NOT** exceed a dew point of 10°F (or 5.56°C) **BELOW** the use temperature at 1 atmospheric pressure.

– Cylinders obtained from a supplier of breathing air must have a certificate of analysis that verifies each cylinder's contents meet Grade D and dew point standards.

– Compressed and liquid oxygen must meet the United States Pharmacopoeia requirements for medical or breathing oxygen.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-20005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-20010 Prevent conditions that could create a hazardous breathing air supply.

You must:

• Use SCBA and air-line respirators safely:

– Do **NOT** supply compressed oxygen to SCBAs or air-line respirators that previously used compressed air.

Note: Compressed air leaves residues containing hydrocarbons such as oil or grease. Fire or explosion can occur if compressed oxygen makes contact with these residues.

You must:

– Use breathing air couplings on air-line respirators that are **NOT** compatible with couplings for nonrespirable air or other gas systems, for example, utility air used for manufacturing purposes.

– Do **NOT** allow asphyxiating substances to enter breathing air lines; for example, do not flush nitrogen through worksite air lines also used for breathing air.

– Use equipment specifically designed for oxygen service or distribution **IF** oxygen concentrations greater than 23.5% are used.

Note: Respiratory equipment NOT designed for oxygen service or distribution can create fire or explosion hazards in oxygen concentrations higher than 23.5%.

You must:

– Make sure cylinders used to supply breathing air for SCBAs or air-line respirators are tested and maintained as described in the federal Department of Transportation's (DOT) Shipping Container Specification Regulations, Title 49 CFR Parts 173 and 178.

Note: • Use only cylinders marked (with serial number, cylinder pressure, DOT exemption number, and test dates) according to these DOT regulations
• To find any Code of Federal Regulations (CFR) visit: www.access.gpo.gov.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-20010, filed 10/1/03, effective 1/1/04.]

WAC 296-842-20015 Make sure compressors do not create a hazardous breathing air supply.

IMPORTANT:

• Ambient-air movers (or pumps) used to supply air to respirators must be used according to the manufacturer's instructions.

• Respirators used with ambient-air movers must be approved by NIOSH to operate within the pressure ranges of the air mover.

You must:

(1) Locate or modify compressor intakes so they will not pick up contaminated air OR exhaust gases such as carbon monoxide from:

• Fuel-powered vehicles

OR

• The internal combustion motor of the compressor

OR

• Other contaminant sources in the area, for example, a ventilation system discharge.

Note: • You may need to reposition or extend the compressor's intake or engine exhaust pipe or outlet, especially if they are located near each other.
• Be aware that exhaust gases may not adequately disperse when the compressor is operated in:
– An enclosed space such as a small room, a corner, or near a wall
OR
– In turbulent wind conditions.

You must:

(2) Equip compressors with suitable air-purifying filters, water traps, and sorbents (such as charcoal beds) and maintain them as follows:

• Periodically change or clean them according to the manufacturer or supplier's instructions

• Keep a tag at the compressor with the following information:

– When the sorbent and filters were last replaced or cleaned

– The date of the most recent changes or cleaning

– The signature of the person authorized by the employer to perform changes or cleaning.

Note: To be sure you are providing the recommended operating pressure for respirators, you may need to install a delivery pressure gauge at the point where the manifold where the respirator hose is attached.

You must:

(3) Make sure the carbon monoxide (CO) level in breathing air from compressors does **NOT** exceed ten parts per million (ppm).

Note: If you do not have a reliable CO-free area available for locating your compressor intake, consider these examples of methods to prevent CO contamination of the air supply:
• Use of continuous and effective carbon monoxide alarms and filters
• Conduct frequent monitoring of air quality
• Use a CO converter (converts CO to carbon dioxide).

You must:

• Maintain CO levels in oil lubricated compressors by using at least one of the following:

– An effective CO alarm

– An effective high temperature alarm **AND** testing the air supply often enough to see if CO levels exceed ten ppm.

Note: • How often to test depends on a number of considerations, for example:
– Compressor age
– Maintenance history of the compressor
– Stability of CO readings
• If the CO or high temperature alarm cannot be heard by the employee, a flashing light or other effective alternative to an audio alarm needs to be used
• Safeguards, such as alarms, are necessary to prevent CO contamination resulting from compressor overheating
• Any type of oil-lubricated compressor, such as screw or piston types, may produce dangerous levels of CO if overheating occurs
– Old compressors are known to leak oil due to worn parts, increasing the possibility for overheating. Newer compressors may also overheat if maintenance practices are poor. For example, poor maintenance practices may lead to disconnected or incorrectly set alarms, inoperative shut-offs, or an impaired cooling system
• You need to instruct employees to move to a safe area when the alarm sounds AND to stop using respirators.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-20015, filed 10/1/03, effective 1/1/04.]

WAC 296-842-210 Labeling of air-purifying respirator filters, cartridges, and canisters.

Your responsibility:

To make sure employees, their supervisors, and program administrators can easily check for the correct air-purifying filters, cartridges, and canisters on respirators.

Exemption: This section does **NOT** apply to filtering-facepiece respirators when used voluntarily. See WAC 296-842-110 for voluntary use requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-210, filed 10/1/03, effective 1/1/04.]

WAC 296-842-21005 Keep labels readable on respirator filters, cartridges, and canisters during use.

You must:

• Make sure the NIOSH certification labeling and color-coding on air-purifying respirator filters, cartridges, and canisters remains readable and intact during use.

Link: Color-coding specifications for manufacturers can be found in Title 42 CFR, Part 84. Visit www.cdc.gov/niosh.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-21005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-220 Required procedures for respiratory protection program.

Your responsibility:

To use the procedures and questionnaire provided in this section when implementing your respiratory protection program.

You must:

Use this medical questionnaire for medical evaluations
WAC 296-842-22005

Follow these fit-testing procedures for tight-fitting respirators
WAC 296-842-22010

Follow procedures established for cleaning and disinfecting respirators
WAC 296-842-22015

Follow procedures established for seal checking respirators
WAC 296-842-22020.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-220, filed 10/1/03, effective 1/1/04.]

WAC 296-842-22005 Use this medical questionnaire for medical evaluations.

You must:

• Use the medical questionnaire in Table 10 when conducting medical evaluations.

Note: • You may use a physical exam instead of this questionnaire if the exam covers the same information as the questionnaire.
• You may use on-line questionnaires if the questions are the same and the requirements in WAC 296-842-140 of this chapter are met.
• You may choose to send the questionnaire to the LCHP ahead of time, giving time to review it and add any necessary questions.
• The LHCP determines what questions to add to the questionnaire, if any; however, questions in Parts 1-3 may not be deleted or substantially altered.

Table 10

WISHA Medical Evaluation Questionnaire
Employer instructions:
• You may use on-line questionnaires if the requirements in WAC 296-842-14005 are met. • You must tell your employee how to deliver or send the completed questionnaire to the health care provider you have selected. • You must **NOT** review employees' questionnaires.
Health care provider's instructions:
• Review the information in this questionnaire and any additional information provided to you by the employer. • You may add questions to this questionnaire at your discretion; HOWEVER, questions in Parts 1-3 may not be deleted or substantially altered. • Follow-up evaluation is required for any positive response to questions 1-8 in Part 2, or questions 1-6 in Part 3. This might include: Phone consultations to evaluate positive responses, medical tests, and diagnostic procedures. • When your evaluation is complete, send a copy of your written recommendation to the employer AND employee.
Employee information and instructions:
• Your employer must allow you to answer this questionnaire during normal working hours, or at a time and place that is convenient to you. • Your employer or supervisor must not look at or review your answers at any time.

Part 1 - Employee Background Information
ALL employees must complete this part
Please print

1. Today's date: _____
2. Your name: _____
3. Your age (to nearest year): _____
4. Sex (circle one): Male / Female
5. Your height: _____ft. ____in.
6. Your weight: _____lbs.
7. Your job title: _____
8. A phone number where you can be reached by the health care professional who reviews this questionnaire (include Area Code): _____
9. The best time to call you at this number: _____
10. Has your employer told you how to contact the health care professional who will review this questionnaire? Yes / No
11. Check the type of respirator(s) you will be using:
a. _____ N, R, or P filtering-facepiece respirator (for example, a dust mask, OR an N95 filtering-facepiece respirator).
b. Check all that apply.
?Half mask ?Full facepiece mask ?Helmet hood ?Escape
?Nonpowered cartridge or canister ?Powered air-purifying cartridge respirator (PAPR)
?Supplied-air or Air-line
Self contained breathing apparatus (SCBA): ?Demand or ?Pressure demand
Other: _____
12. Have you previously worn a respirator? Yes / No
If "yes," describe what type(s): _____

Part 2 - General Health Information
ALL employees must complete this part
Please circle "Yes" or "No"

1. Do you *currently* smoke tobacco, or have you smoked tobacco in the last month?	Yes	/	No
2. Have you *ever had* any of the following conditions?			
a. Seizures (fits):	Yes	/	No
b. Diabetes (sugar disease):	Yes	/	No
c. Allergic reactions that interfere with your breathing:	Yes	/	No
d. Claustrophobia (fear of closed-in places):	Yes	/	No
e. Trouble smelling odors:	Yes	/	No
3. Have you *ever had* any of the following pulmonary or lung problems?			
a. Asbestosis:	Yes	/	No
b. Asthma:	Yes	/	No
c. Chronic bronchitis:	Yes	/	No
d. Emphysema:	Yes	/	No
e. Pneumonia:	Yes	/	No
f. Tuberculosis:	Yes	/	No
g. Silicosis:	Yes	/	No
h. Pneumothorax (collapsed lung):	Yes	/	No
i. Lung cancer:	Yes	/	No
j. Broken ribs:	Yes	/	No
k. Any chest injuries or surgeries:	Yes	/	No
l. Any other lung problem that you have been told about:	Yes	/	No
4. Do you *currently* have any of the following symptoms of pulmonary or lung illness?			
a. Shortness of breath:	Yes	/	No
b. Shortness of breath when walking fast on level ground or walking up a slight hill or incline:	Yes	/	No
c. Shortness of breath when walking with other people at an ordinary pace on level ground:	Yes	/	No
d. Have to stop for breath when walking at your own pace on level ground:	Yes	/	No
e. Shortness of breath when washing or dressing yourself:	Yes	/	No
f. Shortness of breath that interferes with your job:	Yes	/	No
g. Coughing that produces phlegm (thick sputum):	Yes	/	No
h. Coughing that wakes you early in the morning:	Yes	/	No
i. Coughing that occurs mostly when you are lying down:	Yes	/	No
j. Coughing up blood in the last month:	Yes	/	No
k. Wheezing:	Yes	/	No
l. Wheezing that interferes with your job:	Yes	/	No

m. Chest pain when you breathe deeply:	Yes	/	No
n. Any other symptoms that you think may be related to lung problems:	Yes	/	No
5. Have you *ever had* any of the following cardiovascular or heart problems?	Yes	/	No
a. Heart attack:	Yes	/	No
b. Stroke:	Yes	/	No
c. Angina:	Yes	/	No
d. Heart failure:	Yes	/	No
e. Swelling in your legs or feet (not caused by walking):	Yes	/	No
f. Heart arrhythmia (heart beating irregularly):	Yes	/	No
g. High blood pressure:	Yes	/	No
h. Any other heart problem that you have been told about:	Yes	/	No
6. Have you *ever had* any of the following cardiovascular or heart symptoms?			
a. Frequent pain or tightness in your chest:	Yes	/	No
b. Pain or tightness in your chest during physical activity:	Yes	/	No
c. Pain or tightness in your chest that interferes with your job:	Yes	/	No
d. In the past 2 years, have you noticed your heart skipping or missing a beat:	Yes	/	No
e. Heartburn or indigestion that is not related to eating:	Yes	/	No
f. Any other symptoms that you think may be related to heart or circulation problems:	Yes	/	No
7. Do you *currently* take medication for any of the following problems?	Yes	/	No
a. Breathing or lung problems:	Yes	/	No
b. Heart trouble:	Yes	/	No
c. Blood pressure:	Yes	/	No
d. Seizures (fits):	Yes	/	No
8. If you have used a respirator, have you *ever had* any of the following problems? (If you have never used a respirator, check the following space and go to question 9:) _____			
a. Eye irritation:	Yes	/	No
b. Skin allergies or rashes:	Yes	/	No
c. Anxiety:	Yes	/	No
d. General weakness or fatigue:	Yes	/	No
e. Any other problem that interferes with your use of a respirator?	Yes	/	No
9. Would you like to talk to the health care professional who will review this questionnaire about your answers?	Yes	/	No
Part 3 - Additional Questions for Users of Full-Facepiece Respirators or SCBAs			
Please circle "Yes" or "No"			
1. Have you *ever lost* vision in either eye (temporarily or permanently)?	Yes	/	No
2. Do you *currently* have any of these vision problems?			
a. Need to wear contact lenses:	Yes	/	No
b. Need to wear glasses:	Yes	/	No
c. Color blindness:	Yes	/	No
d. Any other eye or vision problem:	Yes	/	No
3. Have you *ever had* an injury to your ears, including a broken ear drum?	Yes	/	No
4. Do you *currently* have any of these hearing problems?			
a. Difficulty hearing:	Yes	/	No
b. Need to wear a hearing aid:	Yes	/	No
c. Any other hearing or ear problem:	Yes	/	No
5. Have you *ever had* a back injury?	Yes	/	No
6. Do you *currently* have any of the following musculoskeletal problems?			
a. Weakness in any of your arms, hands, legs, or feet:	Yes	/	No
b. Back pain:	Yes	/	No
c. Difficulty fully moving your arms and legs:	Yes	/	No
d. Pain or stiffness when you lean forward or backward at the waist:	Yes	/	No
e. Difficulty fully moving your head up or down:	Yes	/	No
f. Difficulty fully moving your head side to side:	Yes	/	No
g. Difficulty bending at your knees:	Yes	/	No
h. Difficulty squatting to the ground:	Yes	/	No
i. Climbing a flight of stairs or a ladder carrying more than 25 lbs:	Yes	/	No
j. Any other muscle or skeletal problem that interferes with using a respirator:	Yes	/	No
Part 4 - Discretionary Questions			
Complete questions in this part ONLY IF your employer's health care provider says they are necessary			
1. In your present job, are you working at high altitudes (over 5,000 feet) or in a place that has lower than normal amounts of oxygen?	Yes	/	No

If "yes," do you have feelings of dizziness, shortness of breath, pounding in your chest, or other symptoms when you are working under these conditions: Yes / No

2. Have you ever been exposed (at work or home) to hazardous solvents, hazardous airborne chemicals (such as gases, fumes, or dust), OR have you come into skin contact with hazardous chemicals? Yes / No

If "yes," name the chemicals, if you know them: _____

3. Have you ever worked with any of the materials, or under any of the conditions, listed below:

a. Asbestos? Yes / No

b. Silica (for example, in sandblasting)? Yes / No

c. Tungsten/cobalt (for example, grinding or welding this material)? Yes / No

d. Beryllium? Yes / No

e. Aluminum? Yes / No

f. Coal (for example, mining)? Yes / No

g. Iron? Yes / No

h. Tin? Yes / No

i. Dusty environments? Yes / No

j. Any other hazardous exposures? Yes / No

If "yes," describe these exposures: _____

4. List any second jobs or side businesses you have: _____

5. List your previous occupations: _____

6. List your current and previous hobbies: _____

7. Have you been in the military services? Yes / No

If "yes," were you exposed to biological or chemical agents (either in training or combat)? Yes / No

8. Have you ever worked on a HAZMAT team? Yes / No

9. Other than medications for breathing and lung problems, heart trouble, blood pressure, and seizures mentioned earlier in this questionnaire, are you taking any other medications for any reason (including over-the-counter medications)? Yes / No

If "yes," name the medications if you know them: _____

10. Will you be using any of the following items with your respirator(s)?

a. HEPA filters: Yes / No

b. Canisters (for example, gas masks): Yes / No

c. Cartridges: Yes / No

11. How often are you expected to use the respirator(s)?

a. Escape-only (no rescue): Yes / No

b. Emergency rescue only: Yes / No

c. Less than 5 hours *per week*: Yes / No

d. Less than 2 hours *per day*: Yes / No

e. 2 to 4 hours per day: Yes / No

f. Over 4 hours per day:

12. During the period you are using the respirator(s), is your work effort:

a. *Light* (less than 200 kcal per hour): Yes / No

If "yes," how long does this period last during the average shift: _____hrs. _____mins.

Examples of a light work effort are sitting while writing, typing, drafting, or performing light assembly work; or standing while operating a drill press (1-3 lbs.) or controlling machines.

b. *Moderate* (200 to 350 kcal per hour): Yes / No

If "yes," how long does this period last during the average shift: _____hrs. _____mins.

Examples of moderate work effort are sitting while nailing or filing; driving a truck or bus in urban traffic; standing while drilling, nailing, performing assembly work, or transferring a moderate load (about 35 lbs.) at trunk level; walking on a level surface about 2 mph or down a 5-degree grade about 3 mph; or pushing a wheelbarrow with a heavy load (about 100 lbs.) on a level surface.

c. *Heavy* (above 350 kcal per hour): Yes / No

If "yes," how long does this period last during the average shift: _____hrs. _____mins.

Examples of heavy work are lifting a heavy load (about 50 lbs.) from the floor to your waist or shoulder; working on a loading dock; shoveling; standing while bricklaying or chipping castings; walking up an 8-degree grade about 2 mph; climbing stairs with a heavy load (about 50 lbs.).

13. Will you be wearing protective clothing and/or equipment (other than the respirator) when you are using your respirator? Yes / No

If "yes," describe this protective clothing and/or equipment: _____

14. Will you be working under hot conditions (temperature exceeding 77°F): Yes / No

15. Will you be working under humid conditions: Yes / No
16. Describe the work you will be doing while using your respirator(s): _____
17. Describe any special or hazardous conditions you might encounter when you are using your respirator(s) (for example, confined spaces, life-threatening gases): _____
18. Provide the following information, if you know it, for each toxic substance that you will be exposed to when you are using your respirator(s):
Name of the first toxic substance: _____
Estimated maximum exposure level per shift: _____
Duration of exposure per shift: _____
Name of the second toxic substance: _____
Estimated maximum exposure level per shift: _____
Duration of exposure per shift: _____
Name of the third toxic substance: _____
Estimated maximum exposure level per shift: _____
Duration of exposure per shift: _____
The name of any other toxic substances that you will be exposed to while using your respirator: _____
19. Describe any special responsibilities you will have while using your respirator(s) that may affect the safety and well being of others (for example, rescue, security). _____

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-22005, filed 10/1/03, effective 1/1/04.]

WAC 296-842-22010 Follow these fit-testing procedures for tight-fitting respirators.

IMPORTANT:

• This section contains procedural requirements that apply during actual fit testing.

• See WAC 296-842-150 of this chapter for fit-testing requirements that apply to your overall program.

Exemptions: This section does **NOT** apply to employees who:
• Voluntarily use respirators
OR
• Are required to use mouthpiece respirators.

You must:

• Conduct fit testing according to all of the following:

– Follow the procedure in Table 11 to choose a respirator for fit testing:

? Prior to conducting fit tests

AND

? Any time your employee must select a different respirator such as when a previously selected respirator fails a test

– Select and follow at least one of the following fit test procedures:

? Qualitative fit-test procedures:

? Isoamyl acetate vapor (IAA, banana oil) in Table 12

? Saccharine aerosol in Table 13

? Bitrex™ aerosol in Table 14

? Irritant smoke in Table 15

? Quantitative fit-test procedures:

? Ambient aerosol condensation nuclei counter such as the Portacount™, in Table 16

? Controlled negative pressure (CNP) such as the Fit-Tester 3000™, in Table 17

? Generated aerosol in Table 18

– Make sure employees perform the appropriate fit-test exercises listed in Table 19.

– Clean and maintain equipment according to the manufacturer's instructions.

– Make sure during fit testing employees wear any safety equipment that could:

? Interfere with respirator fit

AND

? Be worn in the workplace. For example, chemical splash goggles.

– Check, prior to fit testing, for conditions that may interfere with the respirator seal or valve functions. If you find such conditions, do **NOT** conduct fit testing for that individual.

Note: Examples of conditions that may interfere with the respirator seal or valve functions include:
• Moustache, stubble, sideburns, bangs, hairline, and other types of facial hair in areas where the respirator facepiece seals or that interfere with valve function
• Temple bars of corrective eyewear or headgear that extend through the face seal area.

Table 11

Procedure for Choosing a Respirator for Fit Testing
1. **Inform** the employee: • To choose the most comfortable respirator that provides an adequate fit • That each respirator sample represents a different size and, if more than one model is supplied, a different shape • That if fitted and used properly, the respirator chosen will provide adequate protection
2. **Provide** a mirror and show the employee how to: • Put on the respirator • Position the respirator on the face • Set strap tension.
Note: This instruction does NOT take the place of the employee's formal training since it is only a review.
3. **Review** with the employee how to check for a comfortable fit around the nose, cheeks and other areas on the face. • Tell the employee the respirator should be comfortable while talking or wearing eye protection.
4. **Have the employee** hold each facepiece against the face, taking enough time to compare the fit of each. The employee can then either: • Reject any facepiece that clearly does not feel comfortable or fit adequately **OR**

Procedure for Choosing a Respirator for Fit Testing

• Choose which facepiece is most acceptable and which are less acceptable, if any.

Note:

• Supply as many respirator models and sizes as needed to make sure the employee finds a respirator that is acceptable and fits correctly

• To save time later, during this step note the more acceptable facepieces in case the one chosen fails the fit test or proves unacceptable later.

5. **Have the employee wear** the most acceptable respirator for **AT LEAST** 5 minutes to evaluate comfort and fit. Do **ALL** of the following during this time:

• Ask the employee to observe and comment about the comfort and fit:

– Around the nose, cheeks, and other areas on the face

– When talking or wearing eye protection

• Have the employee put on the respirator and adjust the straps until they show proficiency

• Evaluate the respirator's general fit by checking:

– Proper chin placement

– Properly tightened straps (do **NOT** over tighten)

– Acceptable fit across the nose bridge

– Respirator size; it must span the distance from nose to chin

– To see if the respirator stays in position

• Have the employee complete a successful seal check as specified in WAC 296-842-22025 of this chapter

– Prior to the seal check they must settle the respirator on their face by taking a few slow deep breaths **WHILE SLOWLY:**

?Moving their head from side-to-side

AND

?Up and down.

6. **If the employee finds the respirator unacceptable,** allow the employee to select another one and return to Step 5. Otherwise, proceed to Step 7.

7. **Before starting the fit test,** you must:

• Describe the fit test including screening procedures, employee responsibilities, and test exercises

AND

• Make sure the employee wears the respirator **AT LEAST** five minutes.

Table 12

Isoamyl Acetate (Banana Oil) Vapor Test Procedure

Important:

• This is a qualitative fit-test (QLFT) procedure

• The success of this test depends on preserving the employee's odor sensitivity to isoamyl acetate (IAA) vapor

– Vapor accumulations in ambient air can decrease odor sensitivity. To prevent this:

?Prepare **ALL** solutions in a location separate from screening and test areas

?Conduct screening and tests in separate well-ventilated rooms. For example, use an exhaust fan or laboratory hood to prevent IAA vapor from accumulating in the room air

– Always use odor-free water, for example, distilled or spring water that is 25°C (77°F).

• Isoamyl acetate is also known as isopentyl acetate.

Screening Preparations

Important:

Odor threshold screening determines if the employee can detect weak concentrations of IAA vapor.

1. Choose an appropriate location to conduct screening.

• Conduct screening and tests in separate well-ventilated rooms.

2. Prepare a stock solution **AT LEAST** weekly as follows:

• Add one milliliter (ml) of pure IAA to 800 ml of odor-free water in a one-liter glass jar with a metal lid using a measuring dropper or pipette

• Seal the jar with the lid and shake it for 30 seconds

• Clean the dropper or pipette.

3. Prepare the odor test solution daily as follows:

• Add 0.4 ml from the stock solution to 500 ml of water in a one liter glass jar with a metal lid using a clean pipette or dropper

• Seal the jar with the lid and shake it for 30 seconds

• Let this solution stand for 2-3 minutes so the IAA concentration above the liquid reaches equilibrium

• Label this jar so you know the contents but the employee cannot know its contents, for example, "1."

Note:

To maintain the integrity of the test, use labels that peel off easily **AND** periodically switch the labels.

4. Prepare a "test blank" solution as follows:

• Add 500 ml of odor-free water to a one liter glass jar with a metal lid

• Seal the jar

• Label the jar so you know the contents but the employee cannot know its contents.

5. Type or neatly print the following instructions on a card and place it on the table in front of the two test jars:

"*The purpose of this test is to find out if you can smell banana oil at a low concentration. While both jars contain water, one **ALSO** contains a small amount of banana oil.*

Make sure the lid is secure then pick up a jar and shake it for two seconds. Open the jar and sniff at the opening. Repeat this for the second jar.

Tell the individual conducting the fit test which jar contains banana oil."

Test Preparations

6. Choose an appropriate location to conduct fit testing.

• Conduct screening and tests in separate well-ventilated rooms.

7. Assemble the fit test enclosure in the room.

• Invert a clear 55-gallon drum liner over a circular 2-foot diameter frame made of plywood or other lightweight rigid material OR construct a similar enclosure using plastic sheeting

• Hang the frame with the plastic covering so the top of the enclosure is about six inches above the employee's head

• Attach a small hook inside top center of the enclosure

Isoamyl Acetate (Banana Oil) Vapor Test Procedure
• Tape a copy of the test exercises (see Table 28) to the inside of the test enclosure where the employee can read it. 8. Have organic vapor cartridges or equivalent on hand for each employee's chosen respirator. 9. Have ready a 6 x 5-inch piece of paper towel or other porous absorbent single-ply material **AND** 0.75 ml of pure IAA. Do NOT apply IAA yet. **Note:** As an alternative to using the paper towel, you may use an IAA test swab OR ampoule if it has been demonstrated to generate an equivalent test concentration.
Screening
10. Have the employee, while **NOT** wearing a respirator, follow the instructions on the card provided. • If the employee correctly identifies the jar containing IAA, proceed to conduct testing (Step 11) • If the employee is **NOT** able to correctly identify the jar containing IAA, you must **STOP** and use a different fit test protocol.
Test
11. **BEFORE** entering the fit test room, have the employee attach cartridges, put on, properly adjust, and seal check the respirator. Have the employee enter the test enclosure. 12. Wet the paper towel with 0.75 ml of **pure** IAA **AND** fold it in half. 13. Pass the paper towel to the employee inside the enclosure **AND** instruct the employee to hang it on the hook at the top of the enclosure. 14. Wait two minutes for the IAA vapor to fill the enclosure. • While waiting, explain the fit test, including the purpose of the test exercises, the importance of cooperation, and that you must be informed if a banana-like odor is detected during the test • You may also demonstrate the test exercises. 15. Have the employee perform the appropriate fit-test exercises in Table 19. • If the employee does **NOT** detect IAA while performing test exercises, the fit test has been **PASSED.** Proceed as follows: – **BEFORE** leaving the enclosure, have the employee break the respirator seal and inhale. If they **detect** IAA, the test is valid – When exiting the employee must remove the paper towel and give it to the individual conducting the fit test. This prevents IAA vapor from building up in the enclosure during subsequent tests – The individual conducting the fit test must keep used paper towels in a self-sealing plastic bag to prevent area contamination • If the employee detects IAA during any test exercise, the fit test has **FAILED. STOP** and have the employee do the following: – Quickly return to the selection room to remove the respirator. This avoids decreasing the employee's odor sensitivity – Select another respirator – Repeat screening and testing

Isoamyl Acetate (Banana Oil) Vapor Test Procedure
?At this stage, if the employee fails the screening part of this procedure, the employee can repeat it **AFTER** waiting at least five minutes for odor sensitivity to return.

Table 13

Saccharin Aerosol Test Procedure
Screening Preparations
Important: • This is a qualitative fit-test (QLFT) procedure • Taste threshold screening determines whether the employee being tested can detect the taste of saccharin – The employee must **NOT** eat, smoke, chew gum or drink anything but plain water for at least fifteen minutes **BEFORE** the fit test. Sweet foods or drink consumed before the test may make the employee unable to detect saccharin during screening – Nebulizers must be thoroughly rinsed in water and shaken dry: ?Each morning and afternoon **OR** ?At least every four hours. • You may use commercially prepared solutions if they meet the requirements in this procedure. 1. Obtain a test enclosure (hood) that meets the following specifications: • Twelve inches in diameter by fourteen inches tall • A clear front portion • Enough space inside to allow free movement of the head when a respirator is worn • A 3/4 inch (or 1.9 centimeter) hole to accommodate the nebulizer nozzle. The hole must line up in front of the wearer's nose and mouth. **Note:** • An enclosure similar to the 3M hood assembly, parts #FT 14 and #FT 15 combined, meets these specifications • This enclosure can also be used for testing. 2. Obtain and assemble two clean DeVilbiss Model 40 Inhalation Medication Nebulizers OR equivalent. 3. Prepare the screening solution as follows: • Dissolve 830.0 milligrams of sodium saccharin USP in 100 ml of warm distilled water **OR** • **IF** you have already prepared the fit-test solution, you can make the screening solution by adding 1 ml of this solution to 100 ml of distilled water. 4. Add about 1 ml of the screening solution to one of the nebulizers. • Mark this nebulizer to distinguish it from the one to be used for fit testing.
Test Preparations
5. Prepare the fit-test solution as follows: • Add 83.0 grams of sodium saccharin to 100 ml of warm water. 6. Add about 1 ml of the test solution to the second nebulizer. • Mark this nebulizer to distinguish it from the one used for screening

Saccharin Aerosol Test Procedure
Screening Preparations
7. Have particulate filters ready for the employee's chosen respirator or have filtering-facepiece respirators ready.
Screening
8. Have the employee, while NOT wearing a respirator, put on the test enclosure. 9. Instruct the employee to: • Breath through a slightly open mouth with tongue extended during screening **AND** testing • Immediately report when a sweet taste is detected. 10. Insert the nebulizer into the front hole of the test enclosure **AND** administer saccharin as follows: • Direct the nozzle away from the employee's nose and mouth • Complete 10 squeezes in rapid succession • Each time firmly squeeze the bulb so it collapses completely, then release and allow it to fully expand. 11. Ask the employee if a sweet taste is detected. • If **YES,** screening is completed. Proceed to conduct testing, Step 14, **AFTER** you: – Ask the employee to remember the taste for reference during the fit test – Note the employee's taste threshold as "10" regardless of the number of squeezes actually completed • If **NO,** screening must continue. Proceed to Step 12. 12. Repeat with 10 more squeezes. Then follow Step 11 again; **EXCEPT** this time note the employee's taste threshold as "20" **IF** a sweet taste is reported. • If a sweet taste is still **NOT** detected, repeat with 10 more squeezes and follow Step 11 one last time; **EXCEPT** this time note "30" for the taste threshold IF a sweet taste is reported. 13. If **NO** sweet taste is reported after 30 squeezes, you must **STOP** and choose a different fit-test protocol for the employee.
Test
Important! • Periodically check nebulizers to make sure they do not clog during use. A test is **NOT** valid if the nebulizer is clogged at the end of the test. 14. Have the employee attach particulate filters, put on, properly adjust, and seal check the respirator. Have the employee put on the test enclosure (hood). 15. Instruct the employee to immediately report if a sweet taste is detected. 16. Insert the nebulizer into the front hole of the test enclosure **AND** administer the same number of squeezes, either 10, 20, or 30, as noted during screening. 17. Have the employee perform the appropriate fit-test exercises as described in Table 19. During this step: • Replenish the aerosol in the hood **EVERY** 30 seconds using 1/2 the number of squeezes used in Step 16, either 5, 10, or 15 • The employee must report if a sweet taste is detected: – If **NO** saccharin is tasted, the test has been **PASSED** ?If saccharin is tasted the test has **FAILED,** have the employee select another respirator **AND** ?Repeat screening and testing.

Table 14

Bitrex™ Aerosol Test Procedure
Important! • This is a qualitative fit-test (QLFT) procedure • Bitrex™ (denatonium benzoate) is routinely used as a taste aversion agent in household liquids that children should not drink and is endorsed by the American Medical Association, the National Safety Council, and the American Association of Poison Control Centers • The employee must **NOT** eat, smoke, chew gum or drink anything but plain water for at least fifteen minutes **BEFORE** the fit test.
Screening Preparations
Important! • Taste threshold screening determines whether the employee being tested can detect the taste of Bitrex™ • Nebulizers must be thoroughly rinsed in water and shaken dry: – Each morning and afternoon **OR** – At least every four hours. • You may use commercially prepared solutions if they meet the requirements in this procedure. 1. Obtain a test enclosure that meets the following specifications: • Twelve inches in diameter by fourteen inches tall • A clear front portion • Enough space inside the front to allow free movement of the head when a respirator is worn • 3/4 inch (or 1.9 centimeter) hole to accommodate the nebulizer nozzle. The hole must line up in front of the wearer's nose and mouth. **Note:** • An enclosure similar to the 3M hood assembly, parts #FT 14 and #FT 15 combined, meets these specifications • This enclosure can also be used for testing. 2. Obtain and assemble two clean DeVilbiss Model 40 Inhalation Medication Nebulizers OR equivalent: 3. Prepare the screening solution as follows: • Make up a 5% salt solution by dissolving 5.0 grams of salt (sodium chloride) into 100 ml of distilled water • Dissolve 13.5 milligrams of Bitrex™ in the salt solution. 4. Add about 1 ml of the screening solution to one of the nebulizers. • Mark this nebulizer to distinguish it from the one to be used for fit testing.
Test Preparations
5. Prepare the fit test solution. • Dissolve 10.0 grams of salt (sodium chloride) into 200 ml of distilled water • Add 337.5 milligrams of Bitrex™ to the warmed salt solution.

Bitrex™ Aerosol Test Procedure
6. Add about 1 ml of the test solution to the second nebulizer. • Mark this nebulizer to distinguish it from the one used for screening. 7. Have particulate filters ready for the employee's chosen respirator or have filtering-facepiece respirators ready.
Screening
Important: The employee must **NOT** eat, smoke, chew gum or drink anything but plain water for at least fifteen minutes **BEFORE** the screening and test 8. Have the employee, while **NOT** wearing a respirator, put on the test enclosure. 9. Instruct the employee to: • Breath through a slightly opened mouth with tongue extended during screening **AND** testing • Immediately report when a bitter taste is detected. 10. Insert the nebulizer into the front hole of the test enclosure **AND** administer Bitrex™ as follows: • Direct the nozzle away from the employee's nose and mouth • Complete 10 squeezes in rapid succession • Each time firmly squeeze the bulb so it collapses completely, then release and allow it to fully expand. 11. Ask the employee whether a bitter taste is detected. • If **YES,** screening is completed. Proceed to conduct testing, Step 14, **AFTER** you: – Ask the employee to remember the taste for reference during the fit test – Note the employee's taste threshold as "10," regardless of the number of squeezes actually completed • If **NO,** screening must continue. Proceed to Step 12. 12. Repeat with 10 more squeezes. Then follow Step 11 again; **EXCEPT** this time note the employee's taste threshold as "20" **IF** a bitter taste is reported. • If a bitter taste is still **NOT** detected repeat with 10 more squeezes and follow Step 11 one last time; **EXCEPT** this time note "30" for the taste threshold IF a bitter taste is reported. 13. If **NO** bitter taste is reported after 30 squeezes, you must **STOP** and choose a different fit-test protocol for the employee.
Test
14. Have the employee attach particulate filters, put on, properly adjust, and seal check the respirator. Have the employee put on the test enclosure. 15. Instruct the employee to: • Breathe through a slightly opened mouth with tongue extended during screening **AND** testing • Immediately report when a bitter taste is detected. 16. Insert the nebulizer into the front hole of the test enclosure **AND** administer the same number of squeezes, either 10, 20, or 30, as noted during screening. 17. Have the employee perform the appropriate fit-test exercises as described in Table 19. During this step: • Replenish the aerosol in the hood **EVERY** 30 seconds using 1/2 the number of squeezes used in Step 16, either 5, 10, or 15 • The employee must report if a bitter taste is detected:

Bitrex™ Aerosol Test Procedure
– If **NO** Bitrex™ is tasted, the test has been **PASSED** – If Bitrex™ is tasted the test has **FAILED**. Have the employee: ?Select another respirator **AND** ?Repeat all screening and testing steps.

Table 15

Irritant Smoke (Stannic Chloride) Test Procedure
Important: **• DO NOT USE A TEST ENCLOSURE OR HOOD FOR THIS FIT TEST!** • This is a qualitative fit-test (QLFT) procedure • During this test an employee is exposed to irritating smoke containing hydrochloric acid produced by a stannic chloride ventilation smoke tube to detect leakage. The smoke will irritate eyes, lungs, and nasal passages • Employee sensitivity varies, and certain employees may respond more intensely than others exposed to irritant smoke. The individual conducting the fit test must take precautions to minimize the employees' exposure to irritant smoke • Conduct fit testing in an area with adequate ventilation to prevent exposure of the individual conducting the fit test and build-up of irritant smoke in the ambient air.
Screening AND Test Preparations
Important: Sensitivity screening is necessary to determine whether the employee can detect a weak concentration of irritant smoke **AND** whether any gross facepiece leakage is detected. 1. Obtain only stannic chloride (ventilation) smoke tubes, **AND** an aspirator squeeze bulb **OR** use a low-flow air pump set to deliver 200 milliliters of air flow per minute. 2. Equip the employee's chosen respirator with P100 series filters if a negative pressure air-purifying respirator will be tested. If a powered air-purifying respirator (PAPR) will be tested equip the respirator with high-efficiency particulate air (HEPA) filters.
Screening
Important! When performing sensitivity screening checks use only the **MINIMUM** amount of smoke necessary to elicit a response from the employee. 3. Advise the employee that the smoke can be irritating to eyes, lungs, and nasal passages **AND** instruct the employee to keep eyes closed while exposed. 4. Break both ends of the ventilation smoke tube **AND** fit a short piece of plastic tubing, for example, two-to-six inches of tygon tubing, over one end to prevent exposure to the sharp end of the tube. Connect the other end to an aspirator bulb or a low-flow air pump set to deliver a flow of 200 ml per minute. 5. While the employee is **NOT** wearing a respirator, have the employee smell a weak concentration of irritant smoke to become familiar with its irritating properties. • Carefully direct a small amount of irritant smoke toward the employee.

Irritant Smoke (Stannic Chloride) Test Procedure
Test
Test 6. Have the employee attach respirator filters, put on, adjust, and seal check the respirator without assistance. The employee must be proficient at these tasks. 7. Remind the employee to keep eyes closed during testing. 8. Direct a stream of irritant smoke toward the respirator's face seal area as follows: • Begin at least 12 inches from the facepiece **AND** move the smoke around the whole perimeter of the mask • Gradually make two more passes around the perimeter of the facepiece, moving to within 6 inches of the respirator • **STOP** at any time the employee detects smoke in the facepiece. If this occurs a different respirator will need to be chosen and tested, beginning with sensitivity screening. 9. Have the employee perform appropriate fit-test exercises in Table 19 **IF** the employee has **NOT** had an involuntary response such as evidence of coughing, flinching, or other response, **OR** detected smoke in the facepiece. • Continue to direct smoke from a distance of 6 inches around the facepiece perimeter – If smoke is detected at any time the test has **FAILED.** A different respirator must be chosen and tested, starting with sensitivity screening – If **NO** smoke is detected proceed to Step 10. 10. Have the employee remove the respirator **AND** perform another sensitivity screening check as follows: • Continue to use the smoke tube used for fit testing • Carefully direct a **SMALL** amount of irritant smoke toward the employee – The test has been **PASSED IF** the employee responds to the smoke – The fit test is **VOIDED IF** the employee does **NOT** respond to the smoke.

Table 16

Ambient Aerosol Condensation Nuclei Counter (Portacount™) Test Procedure
Important: • This is a quantitative (QNFT) fit-test procedure • This method uses a particle counting instrument that measures and compares the particle concentration both inside and outside the respirator facepiece while the employee performs a series of test exercises • Particles in the ambient air are used as the test aerosol.
Test Preparations
1. Obtain a test instrument such as a Portacount™. 2. Have probed respirators available for each respirator model and size the employer uses, **OR** have a sampling adapter available if the employee's actual or chosen respirator will be tested. **Note:** • A probed respirator has a special fitting installed on the facepiece designed to connect with the end of the test instrument's plastic sampling tube so that air samples can be taken inside the facepiece. Probed respirators can be obtained from the respirator manufacturer, or distributor, **AND** can only be used for fit-testing purposes • Contact TSI Inc., **OR** the respirator's manufacturer to obtain probed respirators or facepiece sampling adapters. 3. Follow the test instrument manufacturer's instructions for test preparation, including particle, zero, and system checks. Make sure the instrument's pass **OR** fail criterion is programmed to the following **MINIMUM** performance levels: • For half-facepiece respirators, an overall minimum fit factor of 100 as a passing level • For full-facepiece respirators, an overall minimum fit factor of 500 as a passing level 4. Have high-efficiency particulate air (HEPA) filters, **OR** other respirator filters available that are capable of preventing significant penetration by particles generated by the test instrument such as, P100 or N95 series filters. • If you will use a sampling adapter instead of probed respirators be sure to have the correct type for the respirators chosen.
Test
5. Properly attach the sampling line to the facepiece probe or sampling adapter. 6. Have the employee attach respirator filters, put on, properly adjust, and wear the respirator five minutes **BEFORE** the fit test. During this time you and the employee must evaluate the respirator's general fit by checking: • Proper chin placement • Properly tightened straps (do **NOT** over tighten) • Acceptable fit across the nose bridge • Respirator size. It must span the distance from nose to chin • To see if the respirator stays in position. **Note:** Wearing the respirator for five minutes permits the employee to make certain the respirator is comfortable **AND** allows for purging of ambient particles trapped inside the facepiece. 7. Have the employee perform a seal check. Make sure the sampling line is crimped to avoid leakage during the seal check. If **NO** leakage is detected, proceed to Step 8. If leakage is detected: • Determine the cause **AND** • If leakage is due to a poorly fitting facepiece, have the employee: – Choose another respirator size or model **AND** – Start again at Step 6. 8. Start the fit test cycle. • Follow the manufacturer's instructions for operating the test instrument • Have the employee perform the appropriate fit-test exercises in Table 19 – The test instrument will automatically stop and calculate the overall fit factor. Use this result to determine whether or not the test is passed ?The test has been **PASSED** if the overall fit factor is at least 100 for a half facepiece, **OR** 500 for a full facepiece

? The test has **FAILED** if the overall fit factor is below 100 for a half facepiece or 500 for a full facepiece.

Note:
If the test has failed, have the employee select another respirator model or size following Table 11 **AND** repeat this procedure.

Table 17

Controlled Negative Pressure (CNP) Test Procedure
Important! • This is a quantitative fit-test (QNFT) procedure • This method determines respirator fit by measuring how much the facepiece leaks when it is subject to a slight negative pressure **AFTER** various premeasurement activities • Measurements occur while employees remain still **AND** hold their breath for 10 seconds • No test aerosols are used. Respirator cartridges are not needed for this test.
Test Preparations
1. Make sure the individual conducting the fit test is thoroughly trained to perform this test. 2. Obtain a CNP test instrument such as a FitTester 3000™. Make sure: • Defaults are set at: – -15mm (-0.58 inches) of water test pressure **AND** – A modeled inspiratory flow rate of 53.8 liters per minute • It has an effective audio warning device that signals when employees fail to hold their breath. **Note:** • You are not required to obtain test recording and printing equipment such as computers OR printers. Hand recording results is acceptable • To see default settings, check the instrument's "REDON protocol." 3. Obtain facepiece adapters appropriate for each test respirator. **Note:** • Adapters are either a one-piece (for SCBA facepieces), OR two-piece (for dual cartridge facepieces) device providing a manifold and breathing valve system. For positive pressure respirators, you will need to obtain an additional fitting, available from the respirator manufacturer, to convert the facepiece to negative pressure • To obtain adapters, contact the CNP instrument's distributor, Occupational Health Dynamics, **OR** the respirator manufacturer.

Controlled Negative Pressure (CNP) Test Procedure
Test
Important! After the test, you must ask the employee about the comfort of the respirator **AND** if the respirator has become unacceptable, another size or model must be chosen and tested. 4. Explain the test procedure to the employee. 5. Train the employee on how to hold a breath for at least 20 seconds. 6. Prepare the respirator for the fit test as follows: • Remove or prop open the inhalation valves. If a breathing tube is present, disconnect it • Replace cartridges, if present, with the manifold and breathing valve adapter – For positive pressure facepieces, mount the manufacturer's additional fitting followed by the manifold-breathing valve adapter • Connect the respirator to the CNP device according to the CNP instrument manufacturer's directions. 7. Have the employee put on, adjust, and seal check the respirator. 8. Turn on the instrument **AND** have the employee stand and perform the fit-test exercises in Table 19. 9. Interpret the test results: • The test is **PASSED IF** the overall fit factor obtained is at least 100 for a half facepiece, or at least 500 for a full facepiece • The test has **FAILED IF** the fit factor is less than 100 for a half facepiece; 500 for a full facepiece – If the test has **FAILED** you must have the employee select another respirator model or size following the steps in Table 11 **AND** repeat this procedure, starting at Step 6.

Table 18

Generated Aerosol Test Procedure

Important:

• This is a quantitative (QNFT) fit-test procedure

• In this method, a test aerosol is used to challenge the facepiece seal while aerosol concentrations inside and outside the facepiece are measured during test exercises

• Special equipment is needed to generate, disperse, detect, and measure test aerosols.

Test Preparations

1. Test aerosol.
   • Use a particulate, for example, corn oil, polyethylene glycol 400, di-2-ethyl hexyl sebacate, or sodium chloride.
2. Instrumentation.
   • Do **ALL** the following:
   – Obtain and use aerosol generation, dilution, and measurement systems appropriate for particulates
   – Use an aerosol-generating instrument that will maintain test concentrations within a 10% variation
   – Select a sampling instrument that allows for a computer record or strip chart record to be created
   ?The record must show the rise and fall of test agent concentration during each inhalation and exhalation at fit factors of at least 2000.

   Note: Integrators, or computers that integrate the amount of test agent penetration leakage into the respirator for each exercise, may be used if a record of the readings is made.

   – Minimize the time interval between the activity and the recording of the activity so you can clearly connect what you see to what is being recorded. For example, use a small diameter and length of sampling line.
3. Test enclosure.
   • Do **ALL** the following:
   – Make sure the enclosure is equipped and constructed to effectively:
   ?Maintain a uniform concentration of the test agent inside the enclosure. For example, the enclosure must be large enough to allow **ALL** employees freedom of movement during testing **WITHOUT** disturbing the test concentration or measurement instrument
   ?Keep the test agent from contaminating the air outside the enclosure. For example, use a HEPA filter to purify exhausted air
   ?Allow the individual conducting the fit test to view the employee during the test
   – Make sure the tubing used to collect samples from the enclosure **AND** respirator is the same material, diameter, **AND** length. This makes the effect of aerosol loss caused by deposition in each sample line equal
   – If sodium chloride is used, relative humidity inside the enclosure must be kept below 50%.
4. Prepare test respirators.
   • Do **ALL** the following:
   – Inspect test respirators regularly for missing parts **AND** damage
   – Keep test respirators in proper working order
   – Make sure in-mask sampling probes are:
   ?Designed and installed so the air sample will be drawn from the employee's breathing zone; midway between the nose and mouth
   AND
   ?The probe extends inside the facepiece at least 1/4 inch
   – Make sure sampling ports such as probes, or adapters on respirators are constructed and installed so they do **NOT:**
   ?Block air flow into the sampling line
   ?Leak
   ?Interfere with the respirator's fit or performance
   • Have high efficiency particulate air (HEPA) filters **OR** P100 series filter available
   – Replace filters when increased breathing resistance is detected **OR** when the test agent has altered the filter material's integrity.

Test

Important!

• Throughout the test, maintain the employee's exposure to any test agent below the established exposure limit. Exposures allowed must be based on exposure time and exposure limit duration

• If a single peak penetration exceeds 5% for half facepieces OR 1% for full facepieces:
– **STOP** the test
AND
– Have the employee select another respirator for testing.

5. Have the employee attach filters, put on, adjust, and seal check the respirator.
   • Be sure to crimp the sampling line to avoid pressure leaks during the seal check

Generated Aerosol Test Procedure

AND

• Have the employee adjust the respirator straps, without assistance, so the fit is comfortable. Do **NOT** over tighten.

6. **OPTIONAL Step.** To save time conduct a screening test to quickly identify poorly fitting respirators.

Note:

You may use a qualitative screening test **OR** an ambient aerosol condensation nuclei counter instrument in the count mode.

7. Make sure test aerosol concentration is reasonably stable.

• If a canopy or shower curtain enclosure is used, determine stability of the test aerosol concentration **AFTER** the employee enters the enclosure.

8. Have the employee enter the test enclosure and connect the respirator to the sample lines.

9. Immediately after entering the enclosure measure test aerosol concentration inside the respirator.

• Make sure the peak penetration does **NOT** exceed 5% for half facepieces, **OR** 1% for full facepieces.

10. Have employee perform the appropriate fit-test exercises in Table 19.

• Do **NOT** adjust the respirator once exercises begin.

11. Calculate the overall fit factor as specified in Steps 12-13. The fit test is:

• **PASSED IF** the minimum fit factor of 100 for half facepieces **OR** 500 for full facepieces is obtained

OR

• IF a passing fit factor is **NOT** obtained, the test has **FAILED** and you must have the employee select and test another respirator.

Calculations

Important!

• Do **NOT** count the grimace exercise measurements during these calculations

• Take into account the limitations of instrument detection when determining fit factors.

12. Calculate individual fit factors for **EACH** exercise by applying the following:

$$\text{Exercise fit factor (ffE)} = \frac{\text{Average test enclosure concentration}}{\text{Test aerosol concentration inside the respirator}}$$

• To determine the average test enclosure concentration use one of the following methods:

– Arithmetic average of the concentration before and after each **test** (an average of two values per entire test)

– Arithmetic average of concentration before and after each **exercise** (an average of two values per exercise)

– True average measured continuously during the respirator sample

• Determine the test aerosol concentration inside the respirator in one of the following ways:

– Average peak penetration values. Determine aerosol penetration for each exercise by:

?Using integrators or computers that calculate the actual test agent penetration

OR

?Average the peak heights shown on the strip chart recording, graph, or by computer integration

– Maximum peak penetration. Use strip chart recordings to determine the highest peak penetration for each exercise and use this value

– Area under the peaks. Use computerized integration or other appropriate calculations to integrate the area under individual peaks for each exercise.

13. Using individual exercise fit factors (ffE) calculate the **overall fit factor** by doing **ALL** of the following:

• Convert each exercise fit factor to a penetration value

• Determine the average penetration value

• Convert the average penetration value back to a fit factor

OR

Use this equation to calculate the **overall fit factor:**

$$\text{Overall fit factor} = \frac{n}{1/ffE1 + 1/ffE2 + 1/ffE3. . . + 1/ffEn}$$

Table 19

Fit-Test Exercises

Important:

• This list applies when you use any fit test

• Employees tested must perform **ALL** exercises marked with an "X" as described for the fit-test procedure used

– Once exercises begin, any adjustments made void the test AND you must begin again

– After test exercises are completed, you must ask the employee about the comfort of the respirator. If it has become unacceptable, have the employee choose another one for testing

• When the controlled negative pressure procedure is used, **STOP and repeat** the test if the employee adjusts the respirator OR takes a breath and fails to hold it for 10 seconds

Fit-Test Exercises			
• Controlled negative pressure tests conducted according to the method published in 29 CFR 1910.134, Appendix A are an acceptable alternative to the method outlined below.			
	Fit-Test Procedures		
Description of Required Fit-Test Exercises	Qualitative Procedures	Quantitative Procedures; **EXCEPT** the **CNPP**	Controlled Negative Pressure Procedure (CNPP)
• Normal breathing – Breathe normally, while standing for one minute	X	X	
• Deep breathing – Breathe slowly and deeply while standing for one minute – Take caution to avoid hyperventilating	X	X	
• Head side to side – Slowly turn head from side to side while standing for one minute, pausing at each extreme position to inhale – Be careful to **NOT** bump the respirator	X	X	
• Head up and down – Slowly move head up and down while standing for one minute, inhaling in the up position – Be careful to **NOT** bump the respirator	X	X	
• Talking – Talk slowly and loud enough to be heard clearly by the individual conducting fit testing for one minute. Choose **ONE** of the following: ?Read from a prepared text such as the Rainbow Passage[1] ?Count backward from 100 ?Recite a memorized poem or song.	X	X	
• Grimace – Smile or frown for fifteen seconds.		X	
• Bending over – Bend over to touch toes while standing. Repeat at a comfortable pace for one minute **OR** – Jog in place for one minute if the test enclosure, such as a hood, does not permit bending over	X	X	
• Normal breathing – Breathe normally while standing for one minute	X	X	
• Face forward – **Premeasurement activity:** Stand and breath normally, without talking – **Measurement position:** Face forward while holding breath for 10 seconds			X
• Bending over – **Premeasurement activity:** While standing, bend over to touch toes – **Measurement position:** Hold the bending position with face parallel to the floor while holding breath for 10 seconds			X
• Head shaking – **Premeasurement activity:** Vigorously shake head from side to side for 3 seconds while shouting or making the sound of "BRRRR" loudly – **Measurement position:** Face forward, while holding breath for 10 seconds			X
• Redon-1 – **Premeasurement activity:** Remove the respirator completely and put it back on			X

Fit-Test Exercises			
– **Measurement position:** Face forward while holding breath for 10 seconds			
• Redon-2 – Repeat the premeasurement activity and measurement position described in Redon-1			X

[1] The Rainbow Passage:
" When the sunlight strikes raindrops in the air, they act like a prism and form a rainbow. The rainbow is a division of white light into many beautiful colors. These take the shape of a long round arch, with its path high above, and its two ends apparently beyond the horizon. There is, according to legend, a boiling pot of gold at one end. People look, but no one ever finds it. When a man looks for something beyond reach, his friends say he is looking for the pot of gold at the end of the rainbow."

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-22010, filed 10/1/03, effective 1/1/04.]

WAC 296-842-22015 Follow procedures established for cleaning and disinfecting respirators.

You must:

• Follow the procedure in Table 20 for cleaning and disinfecting respirators.

Table 20
Respirator Cleaning Procedure

Step	Task
1.	Remove filters, cartridges, canisters, speaking diaphragms, demand and pressure valve assemblies, hoses, or any components recommended by the manufacturer. • Discard or repair any defective parts.
2.	Wash components in warm (43°C [110°F] maximum) water with a mild detergent or with a cleaner recommended by the manufacturer • A stiff bristle (not wire) brush may be used to help remove the dirt • If the detergent or cleaner does not contain a disinfecting agent, respirator components should be immersed for two minutes in one of the following: – A bleach solution (concentration of 50 parts per million of chlorine). Make this by adding approximately one milliliter of laundry bleach to one liter of water at 43°C (110°F) – A solution of iodine (50 parts per million iodine). Make this in two steps: ?First, make a tincture of iodine by adding 6-8 grams of solid ammonium iodide and/or potassium iodide to 100 cc of 45% alcohol approximately ?Second, add 0.8 milliliters of the tincture to one liter of water at 43°C (110°F) to get the final solution – Other commercially available cleansers of equivalent disinfectant quality when used as directed, if their use is recommended or approved by the respirator manufacturer.
3.	Rinse components thoroughly in clean, warm (43°C [110°F] maximum), preferably, running water. **Note:** The importance of thorough rinsing cannot be overemphasized. Detergents or disinfectants that dry on facepieces could cause dermatitis. In addition, some disinfectants may cause deterioration of rubber or corrosion of metal parts, if not completely removed.
4.	Drain components.
5.	Air-dry components or hand dry components with a clean, lint-free cloth.
6.	Reassemble the facepiece components. • Replace filters, cartridges, and canisters, if necessary (for testing).
7.	Test the respirator to make sure all components work properly.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-22015, filed 10/1/03, effective 1/1/04.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 296-842-22020 Follow procedures established for seal checking respirators.

IMPORTANT:

• User seal checks are **NOT** a substitute for fit tests. See WAC 296-842-22010 for fit test procedures.

• You may use a seal check procedure recommended by the respirator manufacturer **INSTEAD** of the procedure outlined in Table 21 if you can demonstrate the procedure is based on a scientific study that, for example, demonstrates the procedure effectively identifies respirators that fit poorly when put on or adjusted.

You must:

• Make sure employees perform a user seal check as outlined in Table 21, **EACH TIME** the respirator is worn, to make sure the seal is adequate.

Table 21

User Seal Check Procedure
Important information for employees: • You need to conduct a seal check **each time** you put your respirator on **BEFORE** you enter the respirator use area. The purpose of a seal check is to make sure your respirator (which has been previously fit tested by your employer) is properly positioned on your face to prevent leakage during use and to detect functional problems • The procedure below has two parts; a positive pressure check and a negative pressure check. **You must complete both parts each time.** It should only take a few seconds to perform, once you learn it ?If you cannot pass both parts, your respirator is NOT functioning properly, see your supervisor for further instruction.
Positive pressure check: 1. Remove exhalation valve cover, if removable. 2. Cover the exhalation valve completely with the palm of your hand **WHILE** exhaling gently to inflate the facepiece slightly. 3. The respirator facepiece should remain inflated (indicating a build-up of positive pressure and **NO** outward leakage). • If you detect **NO** leakage, replace the exhalation valve cover (if removed), and proceed to conduct the negative pressure check • If you detect evidence of leakage, reposition the respirator (after removing and inspecting it), and try the positive pressure check again.
Negative pressure check: 4. Completely cover the inhalation opening(s) on the cartridges or canister with the palm(s) of your hands **WHILE** inhaling gently to collapse the facepiece slightly. • If you cannot use the palm(s) of your hands to effectively cover the inhalation openings on cartridges or canisters, you may use: – Filter seal(s) (if available) **OR** – Thin rubber gloves. 5. Once the facepiece is collapsed, hold your breath for 10 seconds **WHILE** keeping the inhalation openings covered. 6. The facepiece should remain slightly collapsed (indicating negative pressure and **NO** inward leakage). • If you detect **NO** evidence of leakage, the tightness of the facepiece is considered adequate, the procedure is completed, and you may now use the respirator • If you detect leakage, reposition the respirator (after removing and inspecting it) and repeat **BOTH** the positive and negative fit checks.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.-060. 03-20-114, § 296-842-22020, filed 10/1/03, effective 1/1/04.]

WAC 296-842-300 Definitions.

Air-purifying respirator (APR)

A respirator equipped with an air-purifying element such as a filter, cartridge, or canister, **OR** having a filtering facepiece, for example, a dust mask.

The element or filtering facepiece is designed to remove specific contaminants, such as particles, vapors, or gases, from air that passes through it.

Air-line respirator

An atmosphere-supplying respirator for which breathing air is drawn from a source separate from and not worn by the user, such as:

• A cylinder or a tank

• A compressor

• An uncontaminated environment.

Air supplied respirator (see air-line respirator)

Assigned protection factor (APF)

Indicates the expected level of workplace respiratory protection WHEN the respirator is:

• Functioning properly

AND

• Fitted to the user

AND

• Worn by trained individuals

AND

• Used with the limitations specified on the NIOSH approval label.

Atmosphere-supplying respirator

A respirator that supplies the user with breathing air from sources, such as:

• A cylinder or a tank

• A compressor

• An uncontaminated environment.

Breathing air

Air supplied to an atmosphere-supplying respirator. This air meets the specifications found in WAC 296-842-200.

Canister or cartridge (air-purifying)

Part of an air-purifying respirator that consists of a container holding materials such as fiber, treated charcoal, or a combination of the two, that removes contaminants from the air passing through the cartridge or canister.

Cartridge respirator (see also air-purifying respirator)

An air-purifying respirator equipped with one or more cartridges. These respirators have a facepiece made from silicone, rubber OR other plastic-like materials.

Demand respirator

An atmosphere-supplying respirator that sends breathing air to the facepiece only when suction (negative pressure) is created inside the facepiece by inhalation. Demand respirators are **"negative pressure"** respirators.

Dust mask

A name used to refer to filtering-facepiece respirators. Dust masks may or may not be NIOSH certified. See filtering facepiece.

Emergency respirator

Respirators suitable for rescue, escape, or other activities during emergency situations.

Emergency situation

Any occurrence that could **OR** does result in a significant uncontrolled release of an airborne contaminant. Causes of emergency situations include, but are not limited to, equipment failure, rupture of containers, or failure of control equipment.

End-of-service-life indicator (ESLI)

A system that warns the air-purifying respirator user that cartridges or canisters must be changed. An example of an ESLI is a dot on the respirator cartridge that changes color.

Escape-only respirator

A respirator that can only be used to exit during emergencies. Look for this use limitation on the respirator's NIOSH approval label.

Exposed, or exposure

The contact an employee has with a toxic substance, harmful physical agent, or oxygen deficient condition. Exposure can occur through various routes of entry, such as inhalation, ingestion, skin contact, or skin absorption.

Filter

Fibrous material that removes dust, spray, mist, fume, fog, smoke particles, **OR** other aerosols from the air.

Filtering-facepiece respirator

A tight-fitting, half-facepiece, negative-pressure, particulate air-purifying respirator with the facepiece **MAINLY** composed of filter material. These respirators do not use cartridges or canisters and may have sealing surfaces composed of rubber, silicone or other plastic-like materials. They are sometimes referred to as "dust masks."

Fit factor

A number providing an estimate of fit for a particular respiratory inlet covering to a specific individual during quantitative fit testing.

Fit test (see also qualitative fit test and quantitative fit test)

Fit testing is an activity where the facepiece seal of a respirator is challenged, using a WISHA accepted procedure, to determine if the respirator provides an adequate seal.

Full-facepiece respirator

A tight-fitting respirator that covers the wearer's nose, mouth, and eyes.

Gas mask

An air-purifying respirator equipped with one or more canisters. These respirators have a facepiece made from silicone, rubber OR other plastic-like materials.

Half-facepiece respirator

A tight-fitting respirator that only covers the wearer's nose and mouth.

Helmet

The rigid part of a respirator that covers the wearer's head AND also provides head protection against impact or penetration.

High-efficiency particulate air filter (HEPA)

A powered air purifying respirator (PAPR) filter that removes at least 99.97% of monodisperse dioctyl phthalate (DOP) particles with a mean particle diameter of 0.3 micrometer from contaminated air.

Note: Filters designated, under 42 CFR Part 84, as an "N100," "R100," or "P100" provide the same filter efficiency (99.97%) as HEPA filters.

Hood

The part of a respirator that completely covers the wearer's head and neck AND may also cover some or all of the shoulders and torso.

Immediately dangerous to life or health (IDLH)

An atmospheric condition that would:

• Cause an immediate threat to life

OR

• Cause permanent or delayed adverse health effects

OR

• Interfere with an employee's ability to escape.

Licensed health care professional (LHCP)

An individual whose legally permitted scope of medical practice allows him or her to provide **SOME OR ALL** of the health care services required for respirator users' medical evaluations.

Loose-fitting facepiece

A respiratory inlet covering that is designed to form a partial seal with the face.

Negative-pressure respirator

Any tight-fitting respirator in which the air pressure inside the facepiece is less than the air pressure outside the respirator during inhalation.

NIOSH

The National Institute for Occupational Safety and Health. NIOSH is the federal agency that certifies respirators for occupational use.

Oxygen deficient

An atmosphere with an oxygen content below 19.5% by volume.

Permissible exposure limit (PEL)

Permissible exposure limits (PELs) are employee exposures to toxic substances or harmful agents that must not be exceeded. PELs are specified in applicable WISHA chapters.

Positive-pressure respirator

A respirator in which the air pressure inside the respiratory-inlet covering is greater than the air pressure outside the respirator.

Powered air-purifying respirators (PAPRs)

An air-purifying respirator equipped with a blower that draws ambient air through cartridges or canisters. These respirators, as a group, are **NOT** classified as positive pressure respirators and must not be used as such.

Pressure-demand respirator

A positive-pressure atmosphere-supplying respirator that sends breathing air to the respiratory inlet covering when the positive pressure is reduced inside the facepiece by inhalation or leakage.

Qualitative fit test (QLFT)

A test that determines the adequacy of respirator fit for an individual. The test relies on the employee's ability to detect a test substance. Test results are either "pass" or "fail."

Quantitative fit test (QNFT)

A test that determines the adequacy of respirator fit for an individual. The test relies on specialized equipment that performs numeric measurements of leakage into the respiratory inlet covering. Test results are used to calculate a "fit factor."

Respiratory hazard

Harmful airborne hazards and oxygen deficiency that are addressed in chapter 296-841 WAC, Respiratory hazards.

Required use

Respirator use:

• That is necessary to protect employees from respiratory hazards

OR

• That the employer decides to require for his or her own reasons. For example, the employer decides to follow more rigorous exposure limits

Respirator

A type of personal protective equipment designed to protect the wearer from harmful airborne hazards, oxygen deficiency, or both.

Respiratory inlet covering

The part of a respirator that forms the protective barrier between the user's respiratory tract and an air-purifying device or breathing air source or both. The respiratory inlet covering may be a facepiece, helmet, hood, suit, or mouthpiece respirator with nose clamp.

Seal check

Actions conducted by the respirator user each time the respirator is put on, to determine if the respirator is properly seated on the face.

Self-contained breathing apparatus (SCBA)

An atmosphere-supplying respirator designed for the breathing air source, to be carried by the user.

Service-life

The period of time that a respirator, filter or sorbent, or other respiratory equipment provides adequate protection to the wearer. For example, the period of time that sorbent cartridge is effective for removing a harmful substance from the air.

Sorbent

Rigid, porous material, such as charcoal, used to remove vapor or gas from the air.

Supplied-air respirator (see air-line respirator)

Tight-fitting facepiece

A respiratory inlet covering forming a complete seal with the face OR neck. Mouthpiece respirators are not tight-fitting facepieces.

Voluntary use

Respirator use that is requested by the employee **AND** permitted by the employer when **NO** respiratory hazard exists.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. 03-20-114, § 296-842-300, filed 10/1/03, effective 1/1/04.]

Title 308 WAC

LICENSING, DEPARTMENT OF

(Formerly: Motor Vehicles, Dept. of and Licenses, Dept. of)

Chapters

308-13	**Board of registration for landscape architects.**
308-17	**Private investigative agencies and private investigators.**
308-19	**Bail bond agencies and bail bond agents.**
308-20	**Cosmetology—Barber—Manicurist—Esthetician rules.**
308-48	**Funeral directors and embalmers.**
308-56A	**Certificates of title—Motor vehicles, etc.**
308-88	**Rental car taxation and licensing.**
308-90	**Vessel dealer registration.**
308-93	**Vessel registration and certificates of title.**
308-96A	**Vehicle licenses.**
308-97	**Vehicle license interstate and intransit permits.**
308-99	**Vehicle reciprocity.**
308-100	**Drivers' licenses—Special provisions.**
308-124B	**Real estate—Broker's office.**
308-124E	**Real estate—Trust account procedures.**
308-124H	**Real estate course school and instructor approval—Education of real estate brokers and salespersons.**
308-125	**Real estate appraisers.**
308-129	**Sellers of travel.**
308-420	**Camping resorts—Contracts—Resale, etc.**

Chapter 308-13 WAC

BOARD OF REGISTRATION FOR LANDSCAPE ARCHITECTS

WAC

308-13-150 Landscape architect fees and charges.

WAC 308-13-150 Landscape architect fees and charges. The following fees will be collected from the candidates:

Title of Fee	Fee
Application fee	$150.00
Reexamination administration fee	50.00
Exam proctor	100.00
Renewal (2 years)	300.00
Late renewal penalty	100.00
Duplicate license	25.00
Initial registration (2 years)	300.00
Reciprocity application fee	200.00
Certification	45.00
Replacement wall certificate	20.00

Those charges collected from candidates for the costs of the examinations shall be paid to CLARB.

Examination and Sections	Charges
Entire examination	$770.00
Examination sections:	
Section A: Legal and administrative aspects of practice	65.00
Section B: Analytical aspects of practice	105.00
Section C: Planning and site design	215.00
Section D: Structural considerations and materials and methods of construction	170.00
Section E: Grading, drainage and stormwater management	215.00

[Statutory Authority: RCW 18.96.080 and 43.24.086. 03-11-074, § 308-13-150, filed 5/20/03, effective 6/20/03; 02-16-018, § 308-13-150, filed 7/26/02, effective 8/26/02. Statutory Authority: RCW 18.96.060 and 43.24.086. 01-15-034, § 308-13-150, filed 7/12/01, effective 8/12/01; 01-04-002, § 308-13-150, filed 1/25/01, effective 2/25/01; 99-23-025, § 308-13-150, filed 11/9/99, effective 11/9/99. Statutory Authority: RCW 18.96.080

and 43.24.086. 96-11-132, § 308-13-150, filed 5/22/96, effective 6/22/96; 95-20-026, § 308-13-150, filed 9/27/95, effective 10/28/95. Statutory Authority: RCW 43.24.086. 94-23-031, § 308-13-150, filed 11/8/94, effective 12/9/94. Statutory Authority: RCW 18.96.080. 94-04-044, § 308-13-150, filed 1/27/94, effective 2/27/94. Statutory Authority: RCW 43.24.086 and 18.96.080. 91-23-021, § 308-13-150, filed 11/8/91, effective 12/9/91; 90-15-039, § 308-13-150, filed 7/13/90, effective 8/13/90. Statutory Authority: RCW 43.24.086. 90-03-031, § 308-13-150, filed 1/12/90, effective 2/12/90; 88-04-027 (Order PM 702), § 308-13-150, filed 1/26/88. Statutory Authority: 1983 c 168 § 12. 83-17-031 (Order PL 442), § 308-13-150, filed 8/10/83. Formerly WAC 308-13-120.]

Chapter 308-17 WAC

PRIVATE INVESTIGATIVE AGENCIES AND PRIVATE INVESTIGATORS

WAC

308-17-120 Armed private investigator applications—Conditions.
308-17-240 Required records.

WAC 308-17-120 Armed private investigator applications—Conditions. (1) Any person desiring to be an armed private detective shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a nonrefundable fee as prescribed by WAC 308-17-150.

(2) If the applicant is an alien resident, the applicant must provide proof of their alien firearm license when they submit an application for original or renewal of their armed private investigator license. Proof of alien firearm license may be provided by submitting a copy of their current alien firearm license.

[Statutory Authority: Chapter 18.165 RCW. 03-03-024, § 308-17-120, filed 1/8/03, effective 2/10/03. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-120, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-120, filed 11/6/91, effective 12/7/91.]

WAC 308-17-240 Required records. The minimum records the principal of a private investigative agency shall be required to keep are[:]

(1) Preassignment training and testing records for each private investigator.

(2) The company principal shall maintain proof of annual shooting requirements for each armed private investigator employed by the private investigator company in the armed private investigator's training files or employee's files. These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

[Statutory Authority: Chapter 18.165 RCW. 03-03-024, § 308-17-240, filed 1/8/03, effective 2/10/03. Statutory Authority: RCW 18.165.170(1), 43.24.086 and 34.05.482. 97-17-051, § 308-17-240, filed 8/15/97, effective 9/15/97. Statutory Authority: RCW 18.165.170. 91-22-111, § 308-17-240, filed 11/6/91, effective 12/7/91.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 308-19 WAC

BAIL BOND AGENCIES AND BAIL BOND AGENTS

WAC

308-19-140 When will my license expire and how do I renew my license?

WAC 308-19-140 When will my license expire and how do I renew my license? (1) Licenses issued to bail bond agents expire one year from the date of issue.

(2) Licenses issued to bail bond agencies expire on December 31 each year. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-19-130 must be paid.

(3) If the application for a license renewal is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-19-130 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

(4) A license shall be cancelled if an application for a renewal of that license is not received by the director within one year from the date of expiration. A person may obtain a new license by satisfying the procedures and qualifications for licensing, including the successful completion of any current examination and education requirements.

(5) No agent or agency shall engage in the sale or issuance of bail bonds if their license has expired.

(6) When the director receives verification that a bail bond agency license has expired or has been revoked or suspended, the director shall advise correction centers.

[Statutory Authority: Chapter 18.185 RCW. 04-01-021, § 308-19-140, filed 12/8/03, effective 1/12/04; 00-01-061, § 308-19-140, filed 12/13/99, effective 1/13/00. Statutory Authority: 1993 c 260 § 13. 93-21-053, § 308-19-140, filed 10/18/93, effective 11/18/93.]

Chapter 308-20 WAC

COSMETOLOGY—BARBER—MANICURIST—ESTHETICIAN RULES

WAC

308-20-010 Definitions.
308-20-040 Records.
308-20-090 Student credit for training in a licensed school.
308-20-091 Student credit for training in a licensed salon/shop.
308-20-105 Minimum instruction requirements for instructor-trainees.
308-20-107 Use and training of instructor-trainees.
308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services.
308-20-120 Written and performance examinations.
308-20-180 Repealed.
308-20-210 Fees.
308-20-520 Minimum salon/shop, mobile unit, and personal services licensing standards.
308-20-530 Repealed.
308-20-550 Posting of required licenses, registrations, permits, and notice to consumers.
308-20-560 Salon/shop, mobile unit, and personal services location license renewal process.
308-20-570 Operator and instructor renewal process.
308-20-575 School license renewal process.
308-20-600 Disinfecting and sterilizing of tools and other implements.
308-20-710 Application of brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-20-180 Posting of license. [Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-180, filed 1/23/92, effective 2/23/92. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-180, filed 9/12/84.] Repealed by 03-14-046, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.023.

308-20-530 Minimum licensing requirements. [Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-530, filed 7/17/92, effective 8/17/92.] Repealed by 03-14-046, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.023.

WAC 308-20-010 Definitions. (1) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair, face, neck, skin, or scalp.

(2) "Monthly student report" are forms provided by the school, approved by the department, preprinted with the school name. The report must include the daily activities of the student in each subject, (i.e., number of shampoos, haircuts, perms, colors, etc.) within each course (i.e., barbering, manicuring, cosmetology, esthetics, or instructor-trainee).

(3) "Completed and graduated" is the completion of the school curriculum and the state approved minimum hourly course of training.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-010, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-010, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-010, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-010, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-010, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-010, filed 9/12/84. Formerly chapters 308-16 and 308-24 WAC.]

WAC 308-20-040 Records. (1) Schools shall collect and record monthly and final student reports. These reports as described in WAC 308-20-010 shall contain the cumulative number of hours the student has attended class and the number of times the student performs an activity as described in WAC 308-20-080. The hours attended shall not be recorded in less than one-quarter hour increments.

(2) Monthly and final student reports shall be signed by either the school owner, school manager or a person the school has authorized to sign the student reports.

(3) The school shall certify to the department that the student has satisfied the minimum instruction guidelines described in WAC 308-20-080 on the student's license examination application. Certification shall be by a person authorized to sign student reports according to subsection (2) of this section.

(4) Schools shall maintain student records for at least three years. The student records shall include documentation of student training.

(5) The school shall notify the department of the persons authorized to sign student records.

(6) Weekly reports provided by salon/shops verifying hours student earns in salon training must be included in student's records and recorded on student's monthly and final reports.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-040, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-040, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-040, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-040, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-040, filed 9/14/88. Statutory Authority: RCW 18.16.030(2) and 18.16.140 as amended by 1987 c 445 § 1. 87-21-010 (Order PM 681), § 308-20-040, filed 10/9/87. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-040, filed 9/12/84.]

WAC 308-20-090 Student credit for training in a licensed school. (1) A maximum of twenty students per instructor is required within a licensed school.

(2) Only those hours of instruction a student is given under the direction of a licensed instructor of the licensed school in which the student is enrolled and in the courses listed in WAC 308-20-080 and 308-30-105 or hours earned under WAC 308-20-091 shall be credited toward completion of the course of study required in RCW 18.16.100.

(3) When all of a school's requirements have been met by a student and within thirty days of a student leaving a school, the school shall provide to the student a copy of the student's final report.

(4) Students may transfer between schools and may receive credit toward completion of the curriculum in the new school. In order to receive a transfer student, the new school shall do the following:

(a) Evaluate the final student report provided by the student and certified by the previous school and compare the report from the previous school with the new school's requirements;

(b) Accept the final student report from the previous school, in part or in total as if it was instruction meeting the new school's curriculum and prepare a monthly report that documents the amount of instruction being accepted by the new school; or

(c) Reject the final student report from the previous school.

(5) Both the transferring and receiving schools shall maintain student records including the transfer record as required in WAC 308-20-040(4).

(6) Licensed instructors must be physically present where the students are training.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-090, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-090, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-090, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-090, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-090, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-090, filed 9/12/84.]

WAC 308-20-091 Student credit for training in a licensed salon/shop. (1) A maximum ten percent of the total curriculum hours required may be earned in a salon/shop under a contract approved by the department signed by the student, the school owner, and the salon/shop manager.

(2) Only those hours of instruction a student is given under the direction of a licensed operator in the contracted salon/shop and in the subjects agreed to in the contract shall be credited towards completion of the course of study required in RCW 18.16.100.

(3) Students will not receive any wages or commission for hours of credit earned in a salon/shop.

(4) Salon/shops shall provide weekly reports to the schools with hours the student earned in each area of agreed training.

(5) Licensed operators must be physically present where students are training.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-091, filed 6/24/03, effective 7/25/03.]

WAC 308-20-105 Minimum instruction requirements for instructor-trainees. The minimum instruction requirements for a student to be eligible to take the examination to be licensed as an instructor shall include, but not be limited to:

(1) Preparation for classroom activities including, but not limited to:

(a) Choice of teaching methods;

(b) Classroom setup;

(c) Topic/subject matter;

(d) Student assignments;

(e) Materials and supplies; and

(f) Recordkeeping.

(2) Presentation of information including, but not limited to:

(a) Lectures (oral and written);

(b) Demonstrations;

(c) Questions and answers;

(d) Project methods; and

(e) Discussions.

(3) Application of practice including, but not limited to:

(a) Clinic supervision;

(b) Classroom management; and

(c) Client relations.

(4) Evaluation by the instructor-trainee of the student's understanding and performance including, but not limited to:

(a) Written/practical assessment; and

(b) Communication skills.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-105, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-105, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-105, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-105, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-105, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-105, filed 9/12/84.]

WAC 308-20-107 Use and training of instructor-trainees. (1) Instructor-trainees shall be supervised by a licensed instructor. The licensed instructor shall be physically present where the instructor-trainee is working and be available for consultation with the instructor-trainee.

(2) Instructor-trainees shall hold a current Washington state cosmetology, barber, manicurist or esthetician license prior to becoming an instructor-trainee.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-107, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-107, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-107, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. 90-07-030, § 308-20-107, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-107, filed 9/14/88.]

WAC 308-20-110 Minimum safety and sanitation standards for schools, cosmetologists, manicurists, estheticians, barbers, instructors, salons/shops, mobile units and personal services. In addition to the requirements of RCW 18.16.175, every licensee shall maintain the following safety and sanitation standards:

(1) **Safety shall be maintained as follows:**

(a) A separate area with hot and cold running water shall be designated for use in dispensing and mixing chemicals and disinfecting supplies, tools, equipment, and other materials;

(b) All containers must be clearly labeled;

(c) All chemicals must be stored and labeled according to manufacturer's instructions;

(d) Disinfected supplies, tools, equipment and other material shall be stored separately from those that have been used;

(e) First-aid supplies shall be available; and

(f) Licensees shall not work on clients with parasites, open wounds, or signs of infection.

(2) **Sanitation shall be maintained as follows:**

(a) Floors, walls, fixtures, work stations and ceilings shall be clean and free from dust, dirt and hair;

(b) Hair shall be removed from the floor after each service; and

(c) Waste receptacles shall be emptied and disinfected daily.

(d) Disposable products shall be placed in a waste receptacle;

(e) Creams and lotions shall be dispensed using a disposable, or sanitized applicator, and fluids shall be dispensed with a squeeze bottle or pump;

(f) Use clean towel, new neck strip or other sanitized supplies for each client;

(g) Clean reusable supplies and implements with a disinfectant after each use; and

(h) Wash hands with single-use soap and disposable hand-drying towels after toilet use and before providing service to each client.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-110, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-110, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-110, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 91-11-042, § 308-20-110, filed 5/10/91, effective 6/10/91; 88-19-047 (Order PM 772), § 308-20-110, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-110, filed 9/12/84.]

WAC 308-20-120 Written and performance examinations. (1) The department shall administer or approve the administration of a written and performance license examination. The department may approve written or performance examinations given by department-approved examination providers.

(2) The written and performance examinations for cosmetologist, barber, manicurist and esthetician shall reasonably measure the applicant's knowledge of safe and sanitary

practice. The performance examinations may be divided into skill sections. The overall minimum passing grade for performance examinations shall be seventy-five percent with no section being scored lower than forty percent. If an individual scores lower than forty percent in any one section, the entire performance examination must be retaken. The minimum passing grade for the written examinations shall be seventy-six percent of the total examination questions.

(3) The written and performance examinations for instructors shall be constructed to measure the applicant's knowledge of lesson planning and teaching techniques. The overall minimum passing grade for the performance examination shall be eighty percent. The minimum passing grade for the written examination shall be eighty percent of the total examination questions.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-120, filed 6/24/03, effective 7/25/03; 03-08-043, § 308-20-120, filed 3/27/03, effective 4/27/03. Statutory Authority: RCW 18.16.030(2). 02-04-012, § 308-20-120, filed 1/24/02, effective 6/30/02. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-120, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030. 88-19-047 (Order PM 772), § 308-20-120, filed 9/14/88. Statutory Authority: 1984 c 208. 84-19-020 (Order PL 480), § 308-20-120, filed 9/12/84.]

WAC 308-20-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-20-210 Fees. In addition to any third-party examinations fees, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Written examination application	$ 25.00
Written examination retake	25.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Instructor:	
Examination application	30.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
Manicurist:	
Written examination application	25.00
Written examination retake	25.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Esthetician:	
Written examination application	25.00
Written examination retake	25.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Barber:	
Written examination application	25.00
Written examination retake	25.00
Renewal (two-year license)	40.00
Late renewal penalty	20.00
Duplicate license	15.00
Certification	25.00
School:	
License application	175.00
Renewal (one-year license)	175.00
Late renewal penalty	175.00
Duplicate	15.00
Curriculum review	15.00
Salon/shop:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Mobile unit:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00
Personal services:	
License application	50.00
Renewal (one-year license)	50.00
Late renewal penalty	50.00
Duplicate license	15.00

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-210, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 18.16.030 and 43.24.086. 03-06-054, § 308-20-210, filed 2/28/03, effective 4/1/03. Statutory Authority: RCW 18.16.030, 43.24.086, and 43.135.055. 02-09-040, § 308-20-210, filed 4/12/02, effective 1/1/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-210, filed 7/17/92, effective 8/17/92. Statutory Authority: Chapter 18.16 RCW and RCW 34.05.220. 92-04-006, § 308-20-210, filed 1/23/92, effective 2/23/92. Statutory Authority: RCW 18.16.030 and 43.24.086. 90-07-030, § 308-20-210, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086. 87-10-028 (Order PM 650), § 308-20-210, filed 5/1/87.]

WAC 308-20-520 Minimum salon/shop, mobile unit, and personal services licensing standards. No person shall operate a cosmetology, barbering, esthetics, or manicuring salon/shop, mobile unit, or personal services business in this state unless the business has qualified for and has in their possession a location license issued by the department of licensing. If the ownership of the business changes, a new complete application must be submitted for approval and license issuance. Licenses are not transferable.

(1) An operator that leases space must obtain both a valid operator and salon/shop license for that specific location.

(2) A business that has one or more branch locations shall obtain a separate salon/shop license for each location.

(3) A licensed operator who provides cosmetology, barbering, esthetics, or manicuring services to place-bound clients in the client's home or in a long or short term health care facility is not required to obtain a location license.

(4) A long or short term health care facility that establishes a salon/shop and operates it on a for profit basis for clients other than place-bound clients shall obtain a location license.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-520, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-520, filed 7/17/92, effective 8/17/92.]

WAC 308-20-530 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-20-550 Posting of required licenses, registrations, permits, and notice to consumers. (1) Licenses and the consumer notice required by chapter 18.16 RCW, shall be posted in direct public view.

(2) Original operator licenses with an attached current photograph shall be posted in clear view of clients in the operator's work station.

(3) School, instructor, salon/shop, and mobile unit licenses shall be displayed in the reception area.

(4) Personal services shall display their licenses and consumer notice in direct view of their client.

(5) A pocket identification card may not be used in lieu of an original license.

(6) No license which has expired or become invalid for any reason shall be displayed by any operator, instructor, or business in connection with the practice of cosmetology, barbering, esthetics, or manicuring. Any license so displayed shall be surrendered to a department representative upon its request.

(7) Licenses issued by another state, territory, or foreign country shall not be displayed in any salon/shop.

(8) A receipt, issued by the department of licensing, showing the application for a duplicate license may be used if the original has been lost, stolen, or otherwise destroyed until the duplicate license is received.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-550, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-550, filed 7/17/92, effective 8/17/92.]

WAC 308-20-560 Salon/shop, mobile unit, and personal services location license renewal process. Each salon/shop, mobile unit, and personal services license shall be renewed on a yearly basis. The renewal request shall be accompanied by:

(1) The license renewal fee required under the provisions of WAC 320-20-210.

(2) Affidavit of certification of public liability insurance including, name of provider, policy number, effective date, expiration date, amount of coverage, and signature of licensee.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-560, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-560, filed 7/17/92, effective 8/17/92.]

WAC 308-20-570 Operator and instructor renewal process. Each operator or instructor license shall be renewed every two years. The renewal request shall be accompanied by:

(1) Social Security number.

(2) The license renewal fee required under the provisions of WAC 308-20-210.

(3) A statement noting any changes to the information contained in the original application form and attachments.

(4) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty fee.

(5) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-570, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-570, filed 7/17/92, effective 8/17/92.]

WAC 308-20-575 School license renewal process. Each school shall be renewed on a yearly basis. The renewal request shall be accompanied by:

(1) Certification of annual gross tuition and surety bond in an amount equal to ten percent of the annual gross tuition, but not less than ten thousand dollars or more than fifty thousand dollars.

(2) Changes in curriculum, catalogs, brochures.

(3) Current list of instructors on forms provided by the department.

(4) Verification of current student/instructor ratio.

(5) Licenses must be renewed on or before the expiration date. Failure to renew the license by the expiration date shall result in a penalty.

(6) Failure to receive a notice of license renewal from the department does not constitute cause for failure to renew.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-575, filed 6/24/03, effective 7/25/03.]

WAC 308-20-600 Disinfecting and sterilizing of tools and other implements. Adequate disinfectants and sterilization equipment shall be available for use as needed at all times when the business is open to clients or operators.

(1) When sterilization equipment is used it shall be checked annually to assure that it is reaching the temperature required by the manufacturer's instructions.

(2) When commercially manufactured disinfectant solution is used it shall be mixed and used according to the manufacturer's instructions.

(3) When used according to the manufacturer's instructions the following methods may be used to disinfect or sterilize tools and equipment.

(a) Immersion of the object in the disinfectant solution.

(b) Dry heat or autoclave sterilizer registered with the Federal Food and Drug Administration.

(4) All single-use items which cannot be sterilized or disinfected shall be discarded after use.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-600, filed 6/24/03, effective 7/25/03. Statutory Authority: Chapter 18.16 RCW. 92-15-087, § 308-20-600, filed 7/17/92, effective 8/17/92.]

WAC 308-20-710 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a salon/shop, mobile unit, personal services, instructor, cosmetologist, barber, manicurist, esthetician or school in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether an education course or curriculum meets the criteria for approval when approval by the department is required or authorized by statute or rule;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal; and

(5) Whether a license holder has been certified by a lending agency and reported to the department for nonpayment or default on a federally or state-guaranteed educational loan or service-conditional scholarship.

[Statutory Authority: RCW 18.16.030 and 43.24.023. 03-14-046, § 308-20-710, filed 6/24/03, effective 7/25/03. Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-049, § 308-20-710, filed 5/1/97, effective 6/1/97.]

Chapter 308-48 WAC
FUNERAL DIRECTORS AND EMBALMERS

WAC

308-48-800 Funeral director/embalmer fees.

WAC 308-48-800 Funeral director/embalmer fees. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Embalmer:	
State examination or reexamination	$100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Certification	25.00
Embalmer apprentice:	
Apprentice application	75.00
Apprentice renewal	45.00
Duplicate	15.00
Certification	25.00
Funeral director:	
State examination or reexamination	100.00
Renewal	70.00
Late renewal penalty	35.00
Duplicate	15.00
Certification	25.00
Funeral director apprentice:	
Apprentice application	75.00
Apprentice renewal	45.00
Duplicate	15.00
Certification	25.00
Funeral establishment:	
Original application	300.00
Renewal	150.00
Branch registration	250.00
Branch renewal	150.00
Preneed application	140.00
Preneed renewal:	
0-25 sales	25.00
26-99 sales	75.00
100 or more sales	125.00
Financial statement fee	50.00
Crematory endorsement registration	140.00
Crematory endorsement renewal per cremation performed during previous calendar year.	$3.20

[Statutory Authority: RCW 18.39.050. 03-11-021, § 308-48-800, filed 5/12/03, effective 6/30/03. Statutory Authority: RCW 18.39.181. 99-16-040, § 308-48-800, filed 7/29/99, effective 8/29/99. Statutory Authority: RCW 18.39.175(4). 98-21-056, § 308-48-800, filed 10/19/98, effective 11/19/98; 91-11-023, § 308-48-800, filed 5/7/91, effective 6/7/91; 91-01-006, § 308-48-800, filed 12/6/90, effective 1/6/91. Statutory Authority: RCW 43.24.086. 90-07-024, § 308-48-800, filed 3/14/90, effective 4/14/90; 87-10-028 (Order PM 650), § 308-48-800, filed 5/1/87.]

Chapter 308-56A WAC
CERTIFICATES OF TITLE—MOTOR VEHICLES, ETC.

WAC

308-56A-020 Application for certificate of ownership required.
308-56A-021 Assessment criteria for penalty fee.
308-56A-030 Owner name and address—Application for certificate of ownership.
308-56A-040 Name and address—Address.
308-56A-056 Names separated by the words "and," "or," or the slash symbol "/."
308-56A-060 Ownership in joint tenancy.
308-56A-065 Vehicles held in trust.
308-56A-070 Leased vehicles.
308-56A-075 Multiple legal owners.
308-56A-110 New vehicles—Manufacturer's statement/certificate of origin.
308-56A-115 Vehicles from jurisdiction other than Washington.
308-56A-140 Department temporary permit.
308-56A-150 Certificate of vehicle inspection.
308-56A-160 Model year—How determined.
308-56A-200 Replacement Washington certificate of ownership.
308-56A-210 Ownership in doubt.
308-56A-215 Erasures, alterations, and incorrect information.
308-56A-250 Signature of registered owner on application—Exceptions.
308-56A-265 Releasing interest.
308-56A-270 Forms of signature.
308-56A-275 Certification of signature.
308-56A-295 Vehicle sold—Reported stolen—Liability if abandoned.
308-56A-300 Application for certificate of ownership for abandoned vehicles.
308-56A-305 Law enforcement sale.
308-56A-315 Name change.
308-56A-320 Transfer by court order.
308-56A-325 Owner incompetent.
308-56A-330 Owner bankrupt.
308-56A-455 Assembled and homemade vehicles.

WAC 308-56A-020 Application for certificate of ownership required. When is an application for certificate of ownership required? In addition to the requirements set forth in chapter 46.12 and 46.16 RCW an application for certificate of ownership is required when:

(1) There is a change of vehicle ownership on a Washington certificate of ownership due to:

(a) Sale;

(b) Gift-donation;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of a registered owner;

(f) Proprietorship, partnership or individuals forming a corporation, whether or not the business name is changing;

(g) Proprietorship, partnership or individuals purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed;

(h) Court order;

(i) Transferring vehicle to a trust;

(j) Repossession; or

(k) Adding/removing a lease on a vehicle.

(2) Applying for registration of a vehicle which has most recently been titled and/or registered in another jurisdiction and only registration is being established in Washington. If the vehicle will remain titled in another jurisdiction, no Washington certificate of ownership will be issued.

(3) There is a name change of the registered owner, whether individual(s) or a business entity.

(4) Adding or changing a lien holder.

(5) The vehicle is assembled, has had a glider kit installed or is a street rod.

(6) The motorcycle engine has been replaced.

(7) The vehicle has been changed or modified to accept a fuel other than that shown on the outstanding certificate of ownership.

(8) There has been a structural change, as defined in WAC 308-56A-150 (1)(d), other than changing the bed of a truck.

(9) The vehicle identification number needs to be corrected.

(10) The vehicle has been reported destroyed by an insurance company wrecker, or vehicle owner(s) and new certificate of ownership is requested. Title procedures are in WAC 308-56A-460.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-020, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-020, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-020, filed 6/3/98, effective 7/4/98; Order MV 208, § 308-56A-020, filed 7/31/74.]

WAC 308-56A-021 Assessment criteria for penalty fee. (1) **What is the penalty fee?** When a used Washington registered vehicle is sold, the purchaser has fifteen days from the date of delivery of the vehicle to transfer the vehicle ownership into their name. If they wait until the 16th day or later from the date of delivery, a penalty fee may be assessed as described in RCW 46.16.101(6) unless the purchaser qualifies for exemption from penalty as set forth in subsection (2) of this section.

(2) **Are there exceptions to when a penalty fee may be assessed when applying for certificate of ownership on the 16th day from the date of sale or later as described in RCW 46.12.101(6)?** Yes, if:

(a) The vehicle was delivered to the purchaser after the date of sale indicated on the supporting documents; or

(b) There are conflicting dates on supporting documents; or

(c) There is no date on the certificate of ownership or other supporting documents; or

(d) The date on the certificate of ownership has been altered; or

(e) The purchaser is incarcerated or sequestered by a judiciary system; or

(f) The purchaser files a seller's report of sale thinking they have filed an application to transfer certificate of ownership; or

(g) The purchaser of a vehicle sells it before transferring ownership into their name and the new purchaser can prove they purchased the vehicle within fifteen days of making application; or

(h) The director, or their designee, determines other reasons are valid; or

(i) The delay in making application is due to the department requesting additional supporting documents; or

(j) Extended hospitalization or illness of the purchaser; or

(k) Failure of the legal owner to release his or her interest in the vehicle; or

(l) Failure due to an action of the department, auditor or subagent.

Note: When an exception to the penalty fee requirement is made, an affidavit attesting to the actual date of delivery and the reason or reasons for exception to the penalty is required.

(3) **When are penalty fees for late application for certificate of ownership not assessed?** Penalty fees are not assessed for late application for certificate of ownership under the following conditions:

(a) The vehicle is not motorized; or

(b) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed); or

(c) A Washington record cannot be found; or

(d) Department of licensing records indicate the vehicle has been destroyed; or

(e) The vehicle is being titled as home made or assembled for the first time; or

(f) The vehicle is acquired as a result of:

(i) Inheritance or community property; or

(ii) Divorce settlement; or

(iii) Other legal action affecting ownership of the vehicle; or

(iv) Lease buyout; or

(g) The vehicle is a snowmobile; or

(h) The director, or designee, determines other reasons are valid.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. 03-11-069, § 308-56A-021, filed 5/20/03, effective 6/20/03. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02,100 [88.02.100]. 01-08-022, § 308-56A-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110 and 46.12.101. 00-20-065, § 308-56A-021, filed 10/3/00, effective 11/3/00; 98-12-099, § 308-56A-021, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-021, filed 10/9/87.]

WAC 308-56A-030 Owner name and address—Application for certificate of ownership. (1) **What registered owner and lien holder or secured party information is required on the application for certificate of ownership?**

The application for certificate of ownership must include:

(a) The name of each registered owner of the vehicle and, if the vehicle is subject to security interest, the name of each secured party;

(b) The registered owner's mailing address; and

(c) The first secured party's mailing address.

(2) **Do the addresses need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

(3) **Can more than one mailing address be shown on the application if there are multiple owners with different addresses?**

No. The address of only one of the registered owners and the first secured party will be accepted on the application for certificate of ownership.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-030, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-030, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-56A-030, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-56A-030, filed 6/19/95, effective 7/20/95; Order MV 208, § 308-56A-030, filed 7/31/74.]

WAC 308-56A-040 Name and address—Address. (1) **If the owner's address changes, does the owner need to notify the department?**

Yes.

(2) **What information does the owner need to provide to the department if their address changes?**

The owner shall provide the department with the following information:

(a) The registered owner's name as it appears on the department records;

(b) The license plate number or vehicle identification number (VIN) of each vehicle;

(c) The new address with at least a five digit zip code and preferably a nine digit zip code; and

(d) The county of the new address.

(3) **Does the address need to conform to United States Postal Service (USPS) standards?**

Yes. USPS address standards must be used on all vehicle records, registrations, and certificates of ownership.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-040, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-040, filed 12/7/98, effective 1/7/99; 92-15-024, § 308-56A-040, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-040, filed 7/31/74.]

WAC 308-56A-056 Names separated by the words "and," "or," or the slash symbol "/." (1) **Does the department use the words "and," "or," or the slash symbol "/" when recording multiple interests on a certificate of ownership?** No, the department has not used these designations since 1974 when recording ownership interest. For certificates of ownership that have been issued using one of these designations:

(a) Any registered owners so shown are considered to have equal registered owner interest in the vehicle;

(b) Any lien holder so shown is considered to have equal security interest in the vehicle.

(2) **Will the department use the words "and," "or," or the slash symbol "/" if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** No, the department does not allow the use of these designations when recording ownership interest.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-056, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-21-098, § 308-56A-056, filed 10/20/99, effective 11/20/99.]

WAC 308-56A-060 Ownership in joint tenancy. (1) **What does joint tenancy with rights of survivorship mean when noted on a certificate of ownership?** If owners own a vehicle in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate.

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership must show the name of every owner and include the phrase "Joint tenants with rights of survivorship" spelled out.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWROS" in the brands/comments section.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-060, filed 2/19/03, effective 3/22/03; 99-08-064, § 308-56A-060, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-060, filed 7/31/74.]

WAC 308-56A-065 Vehicles held in trust. (1) **How is a trust shown on a certificate of ownership?** A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation **trustee, i.e., John Doe, trustee;** or

(b) The **trustee(s) name(s)** followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) **If a vehicle is held in trust, who represents the trust for certificate of ownership transactions?** If the vehicle record shows or is to be shown as:

(a) The trustee(s) name(s) only, followed by the designation **trustee, i.e., John Doe, trustee,** all trustees shown or to be shown on the certificate of ownership must sign.

(b) The **trustee(s)** name(s) followed by the designation trustee and name of the trust, i.e., John Doe, trustee John Doe Family Trust, all trustees shown or to be shown on the certificate of ownership must sign.

(c) The name of the trust only, i.e., John Doe Family Trust, any trustee(s) designated in the trust document must sign.

(3) **What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(4) **What is required when a trustee no longer acts on behalf of a trust?** If a trustee no longer acts on behalf of a trust, and the vehicle ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust, application for new certificate of ownership is not required.

In applying for a new certificate of ownership you will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

Note: New or successor trustees must provide documentation showing they are named as such in the trust.

(5) **What is required when a trust is terminated?** The owner of the vehicle must apply for a new certificate of ownership under chapter 46.12 RCW.

If trustee(s) are deceased and no successor trustee(s) is appointed, the process established in WAC 308-56A-335 - Owner deceased, applies.

[Statutory Authority: RCW 46.01.110. 03-10-097, § 308-56A-065, filed 5/7/03, effective 6/7/03. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02,100 [88.02.100]. 01-08-022, § 308-56A-065, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110. 99-08-064, § 308-56A-065, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110 and 46.12.030. 97-03-076, § 308-56A-065, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-065, filed 7/31/74.]

WAC 308-56A-070 Leased vehicles. (1) **How are the lessee and lessor designated on Washington certificates of ownership?**

(a) The certificate of ownership will show the name of the lessee as registered owner, followed by LSE. The name of the lessor will be shown as the secured party or legal owner, followed by LSR.

(b) If the vehicle is subject to a security agreement the certificate of ownership will show the lessor's name immediately below the lessee's name as a subsequent registered owner followed by LSR. The address shown will be the lessee's. The secured party's name and address will be shown as the legal owner.

(c) Dealers and persons engaged in the business of vehicle leasing may simply be shown as sole registered owner if a copy of the lease or rental agreement is attached to the application. This does not apply if the lease contains an option to purchase or if it is for more than one year.

(2) **How does a lien holder release interest on a leased vehicle?** To release a lien on a vehicle that is being leased the lien holder must follow procedures outlined in WAC 308-56A-265.

(3) **What if a sublessee is to be shown on the Washington certificate of ownership?**

(a) Sublessees will be shown on the certificate of ownership as first registered owner, followed by SUBLSE. Lessees, lessor, and secured parties will be shown successively as described in subsection (1) of this section.

(b) The address of the registered owner will be that of the sublessee.

(c) Any person to be shown on the certificate of ownership as a registered owner as described in subsections (1) and (3)(a) of this section must sign the application for certificate of ownership.

(4) **Do I need to surrender my out-of-state certificate of ownership to the department when I register my leased vehicle in Washington?** If the out-of-state certificate of ownership shows lessee and lessor designations as required by Washington state law or rule, the certificate of ownership need not be surrendered. A certificate of registration will be issued, however, a Washington certificate of ownership will not. If the out-of-state certificate of ownership is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership must be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-070, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 46.01.110. 99-08-064, § 308-56A-070, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110 and 46.12.030. 97-03-076, § 308-56A-070, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-070, filed 7/31/74.]

WAC 308-56A-075 Multiple legal owners. (1) **Can more than one legal owner show as security interest on the certificate of ownership?** Yes, however, this is subject to the limited amount of space available in the department's computer system for legal owner's name information.

(2) **How are additional legal owner's interest shown on the certificate of ownership?** Additional legal owners are shown directly after the first legal owner. Only the address of the first legal owner will be shown on the certificate of ownership.

(3) **If the security interest has been satisfied with one of the legal owners shown on a certificate of ownership has been satisfied, how is their interest released?** When the security interest of one of the legal owners shown on a certificate of ownership has been satisfied that interest must be released on the certificate of ownership or a department approved release of interest form. The remaining legal owner(s) must, within ten days of receiving the properly released certificate of ownership, apply for reissuance of the certificate of ownership showing the remaining legal owner's name and address.

[Statutory Authority: RCW 46.01.110. 03-10-097, § 308-56A-075, filed 5/7/03, effective 6/7/03; 99-08-064, § 308-56A-075, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 46.01.110 and 46.12.030. 97-03-076, § 308-56A-075, filed 1/15/97, effective 2/15/97; Order MV 208, § 308-56A-075, filed 7/31/74.]

WAC 308-56A-110 New vehicles—Manufacturer's statement/certificate of origin. (1) **What ownership documentation from the manufacturer is required to title a new vehicle?**

An application for a certificate of ownership for a new vehicle must be accompanied by a manufacturer's statement/certificate of origin (MSO/MCO).

(2) **What information needs to be shown on the MSO/MCO?**

The MSO/MCO must contain at least the following information:

(a) First conveyance of the vehicle after its manufacture;
(b) The model year;
(c) Make;
(d) Model, body style;
(e) Vehicle identification number;
(f) An indication that the vehicle was not manufactured for road use, if applicable; and
(g) Shipping weight or curb weight.

(3) **What documentation may be used in lieu of an MSO/MCO?**

If the MSO/MCO is not available, the manufacturer's invoice to the dealer may be used. The manufacturer's invoice shall contain all the information required in subsection (2) of this section. If a flooring agent is shown on the invoice, the department requires a release of interest from the flooring agent.

(4) **How is a dealer-to-dealer sale recorded on the MSO/MCO before the first retail sale?**

A dealer-to-dealer sale is recorded in the assignment area on the MSO/MCO.

In the absence of an available assignment area a dealer to dealer report of sale or similar document may be used as long as a complete chain of ownership is documented from the original dealer named on the MSO/MCO through the retail selling dealer making the application.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-110, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-110, filed 12/7/98, effective 1/7/99; Order MV 208, § 308-56A-110, filed 7/31/74.]

WAC 308-56A-115 Vehicles from jurisdiction other than Washington. (1) **What ownership documents are required to title and license a vehicle not currently titled or licensed in the state of Washington?**

(a) If a vehicle is titled in another state, the application for certificate of ownership must be accompanied by the most current title issued by that state.

(b) If the vehicle was acquired from an agency of the United States government, the federal ownership document issued by the United States government must accompany the application for certificate of ownership. When a bill of sale covers more than one vehicle, a photocopy may be accepted when:

(i) United States federal government already registered and/or titled in Washington with an FED use class, the purchaser needs a bill of sale and the current registration for an NTI or when title is issued in Washington, need title properly released.

(ii) A secured odometer disclosure completed only by the transferee/buyer if the vehicle falls within the federal odometer criteria.

(c) If a vehicle is titled in another country, the application for certificate of ownership must be accompanied by the most current ownership document issued by that jurisdiction. If the country from which the vehicle is imported cancels the vehicle title and/or registration for export, the application for certificate of ownership must be accompanied by documents showing proof of ownership and evidence of the cancellation.

(d) If a member of the United States armed forces owns the vehicle and the vehicle has been registered by a United States government military entity, the application for certificate of ownership must be accompanied by the registration certificate as proof of ownership. If there is a lien holder, the armed forces member must provide the lien holder information at the time of application.

(2) **What ownership documents are required to obtain a certificate of ownership for a vehicle from a nontitling jurisdiction?**

(a) If the vehicle is from a jurisdiction that by policy or law does not title a specific vehicle, but does register it, the department will accept the registration as an ownership document. If the applicant is not the owner shown on the registration, a bill of sale or release of interest is also required.

(b) If the vehicle is from a jurisdiction that neither registers nor titles, the department will accept a statement from the applicant certifying when and where they purchased the vehicle, and that the previous jurisdiction does not title or register this type of vehicle. A bill of sale is required for vehicles brought in from such jurisdiction. A statement certifying how the vehicle was acquired must be submitted at the time of application. The Washington certificate of ownership may contain a special notation if issued under these circumstances. If the bill of sale is not available, ownership in doubt procedures from WAC 308-56A-210 apply.

(3) **What if I am unable to locate a record of my vehicle in any jurisdiction?** If there is no indication that your vehicle is from a nontitle or nonregistration jurisdiction, and no jurisdiction has a record of your vehicle, you may follow ownership in doubt procedures in WAC 308-56A-210.

(4) **What is required to title a vehicle from a titling jurisdiction that has refused to issue a title document for a specific vehicle?**

If the jurisdiction has refused to issue title, Washington may require the customer to comply with ownership in doubt procedures from WAC 308-56A-210. In those cases where a title was refused for reasons not applicable to Washington, the department may consider issuing a title with the appropriate documentation.

(5) **What documentation is required in addition to the ownership document if my vehicle is from a foreign country?** In addition to the ownership document, the application for certificate of ownership must be accompanied by:

(a) An approved United States Department of Treasury Customs Service form properly executed authorizing the vehicle entry into this country. Applications for certificate of ownership for vehicles imported from Puerto Rico need not be accompanied by a customs document;

(b) An English translation for any document provided which is not in the English language. The translator shall provide a notarized/certified affidavit attesting to the accuracy of the translation;

(c) A release of interest from the owners shown on the ownership documents, as provided in WAC 308-56A-210, if the applicant is not the owner shown.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-115, filed 2/19/03, effective 3/22/03; 01-20-010, § 308-56A-115, filed 9/20/01, effective 10/21/01; 99-01-014, § 308-56A-115, filed 12/7/98, effective 1/7/99; 93-14-084, § 308-56A-115, filed 6/30/93, effective 7/31/93; Order MV 208, § 308-56A-115, filed 7/31/74.]

WAC 308-56A-140 Department temporary permit. (1) **What is a department temporary permit?** A depart-

ment temporary permit is a permit issued in lieu of registration and license plates when:

(a) The vehicle is not currently licensed in Washington; and

(b) Proper vehicle documentation to title and license the vehicle is not available but is likely to be available within sixty days; and

(c) The vehicle was not purchased from a licensed Washington dealer.

(2) **How long is a department temporary permit valid?** The department temporary permit is valid for up to sixty days.

(3) **What if I believe I will not be able to obtain proper documentation within sixty days, what options are available to me?** When documents are not expected to be received within sixty days, you may choose to:

(a) Not operate your vehicle and wait to register the vehicle until all required documents are received; or

(b) Obtain the department temporary permit and if you do not receive the required documentation within sixty days, discontinue using the vehicle until proper documentation is filed with the department or apply for an extension of the temporary permit under subsection (4) of this section.

(4) **May a department temporary permit be extended?** Yes, a department temporary permit may be extended on a case-by-case basis if the registered owner has demonstrated all possible avenues have been explored and upon departmental approval.

(5) **Where do I obtain a department temporary permit?** Department temporary permits are available at all Washington vehicle license offices.

(6) **What fees are required to be paid when applying for a department temporary permit?** In addition to other fees and applicable taxes, the department temporary permit fee, certificate of ownership application fee, inspection fees and licensing fees must be paid at the time the department temporary permit is issued.

(7) **How do I display the department temporary permit?** The cardboard copy of the department temporary permit must be displayed according to instructions on the permit and the signed registration must be carried in the vehicle or the towing vehicle.

(8) **How many months of gross weight must I purchase with a department temporary permit for my vehicle, which is eligible for monthly gross weight?** If you have a vehicle that is eligible for monthly gross weight, you must purchase a minimum of two months gross weight license to correspond with the duration of the department temporary permit. You may receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

(9) **How do I obtain license plates and registration for my vehicle that has been issued a department temporary permit?** You may obtain license plates and new registration for your vehicle that has been issued a department temporary permit by submitting the necessary documents and fees to any Washington vehicle license office.

(10) **What fees are required to be paid when clearing a department temporary permit?** In addition to other fees as prescribed by law, the title application fee and license plate fees must be paid at the time the temporary permit is cleared.

(11) **How do I obtain a replacement vehicle title application/registration certificate portion of the department temporary permit?** You may obtain a photocopy of the department temporary permit registration certificate through the county's auditor/agent or subagent office.You must provide the vehicle identification number or the department temporary permit number. The replacement department temporary permit will retain the same expiration date as the original.

(12) **How do I obtain a replacement for the cardboard department temporary permit that is displayed in the vehicle window?** You may obtain a replacement cardboard department temporary permit at any Washington vehicle license office. You must provide the vehicle title application/registration certificate, VIN, or the department temporary permit number.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-140, filed 5/22/03, effective 6/22/03; 99-12-031, § 308-56A-140, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-140, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110, 46.12.151 and 46.12.050. 92-03-077, § 308-56A-140, filed 1/14/92, effective 2/14/92; Order MV 208, § 308-56A-140, filed 7/31/74.]

WAC 308-56A-150 Certificate of vehicle inspection. (1) **When is a certificate of vehicle inspection required?** A certificate of vehicle inspection, completed by the Washington state patrol or other authorized inspector, must accompany the application for certificate of ownership and include the applicable statutory inspection fee whenever the applicant's vehicle is:

(a) Reported destroyed since the last certificate of ownership was issued;

(b) A homemade, assembled, or rebuilt vehicle not previously titled as such;

(c) One whose identification number needs verification as requested by the department, county auditor, or authorized agent;

(d) One with a structural change in, or modification of, body or frame changing the class designation or body type currently shown on the record;

(e) A kit vehicle not previously titled as such (if no vehicle identification number (VIN) previously assigned);

(f) A street rod not previously titled as such;

(g) A glider kit not previously titled as such;

(h) Subject to ownership in doubt described in WAC 308-56A-210(1);

(i) One which the Washington crime information center (WACIC) or National Crime Information Center (NCIC) indicates may be stolen; or

(j) One for which the WACIC/NCIC has failed to respond to the stolen vehicle search required by chapter 46.12 RCW.

(2) **Is there a fee charged for a Washington state patrol VIN inspection?** Yes, the amount of the fee is established in RCW 46.12.040. The fee is not due when:

(a) The out-of-state fee authorized by chapter 46.12 RCW has been collected on the same application; or

(b) The Washington state patrol or department of licensing has determined that the fee is not due.

(3) **Who is authorized to perform a vehicle inspection?** Vehicle inspections may be performed by:

(a) The Washington state patrol;

(b) Other entities or individuals designated by the director if the vehicle is located in a foreign state or country and the requirement for inspection by the Washington state patrol will cause undue hardship.

(4) **How long is a vehicle certificate of inspection valid?** The vehicle certificate of inspection is valid for the following periods of time after the inspection date:

(a) Sixty days for vehicles:

(i) Reported destroyed;

(ii) Homemade, assembled, rebuilt, street rods, kit vehicles and glider kits;

(iii) If the identification number needs verification, has been removed, defaced, altered, destroyed, illegible or missing;

(iv) With structural change in, or modification of, body or frame changing the class designation or body type;

(v) Referred for inspection for any reason not listed.

(vi) With no Washington record or no manufacture statement of origin/manufacture certificate of origin.

(b) One year for vehicles required to be inspected under subsection (1)(a) through (j) of this section and held for sale by a licensed dealer.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-150, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-150, filed 2/19/03, effective 3/22/03; 01-20-010, § 308-56A-150, filed 9/20/01, effective 10/21/01. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 99-21-098, § 308-56A-150, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-56A-150, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 91-04-024, § 308-56A-150, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 85-06-011 (Order TL/RG 11), § 308-56A-150, filed 2/22/85; Order MV 208, § 308-56A-150, filed 7/31/74.]

WAC 308-56A-160 Model year—How determined. (1) **How is a model year assigned to a vehicle?** The model year for a vehicle is the model year assigned by the manufacturer or in the case of homemade vehicles, it is the year the vehicle was built.

(2) **Are there standards for assigning model years that manufacturers must follow?** Manufacturers must adopt standards for assigning model years based on either the date of manufacture or features of the vehicle. The standards must be such that all vehicles assigned a model year that are manufactured in the same year with the same features are assigned the same model year. Manufacturers must designate the model year on the manufacturer's certificate of origin (MCO), manufacturer's statement of origin (MSO) or similar documents.

(3) **How are model years assigned to vehicles that are incomplete, such as certain recreational vehicles?** Manufacturers of chassis or incomplete vehicles sold to motor home or recreational vehicle manufacturers who issue separate MCOs/MSOs need not assign model year to these vehicles. The final stage manufacturer of these vehicles must assign the model year as provided in subsection (2) of this section. In the event a model year is assigned by both the incomplete vehicle manufacturer and the completing manufacturer, the completing manufacturer assigned model year will be used on the certificates of ownership and registration.

(4) **How will a model year be assigned to my vehicle if the manufacturer did not assign one?** If an original manufacturer has not assigned a model year, or your vehicle is rebuilt, homemade, a street rod, assembled or a kit vehicle, the Washington state patrol or other person authorized by the director to make vehicle inspections will use the following criteria to establish the model year:

(a) The model year for a homemade vehicle will be the year of inspection for the purpose of making an application for certificate of ownership.

(b) When possible, the model year will be determined from the vehicle identification number (VIN). When the VIN does not identify the production date, corresponding production records of the original manufacturer must be used.

(c) The model year for assembled vehicles will be determined by the Washington state patrol based on the date of manufacture of the vehicle that the vehicle most closely resembles.

(d) The model year of a kit vehicle as defined in RCW 46.04.251 will not be the model year of the vehicle the kit replicates.

(5) For purposes of this section the following terms will have the meanings indicated:

(a) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactured vehicles. Manufacture includes the assembling, altering, or converting of a vehicle to the extent the vehicle qualifies for a change in the series and body type appearing on its title, MCO/MSO or similar documents.

(b) "Incomplete vehicle" means an assemblage consisting of, as a minimum:

(i) Frame and chassis structure;

(ii) Power train;

(iii) Steering system;

(iv) Suspension system; and

(v) Braking system.

To the extent that those systems are to be part of the completed vehicle that requires further manufacturing operation; other than the additions of readily attachable components, such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, to become a completed vehicle.

(c) "Model" means a name that a manufacturer applies to a family of vehicles of the same type, make, line, series, and body type.

(d) "Assembled and homemade vehicles" have the meaning provided in WAC 308-56A-455.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-160, filed 5/22/03, effective 6/22/03; 99-12-031, § 308-56A-160, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-56A-160, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-56A-160, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110. 93-14-084, § 308-56A-160, filed 6/30/93, effective 7/31/93.]

WAC 308-56A-200 Replacement Washington certificate of ownership. (1) **What is a replacement certificate of ownership?** A replacement certificate of ownership replaces certificates of ownership that are:

(a) Lost;

(b) Mutilated;

(c) Stolen; or

(d) Destroyed.

(2) **What documents and information do I need to provide to the department to obtain a replacement certificate of ownership?** A replacement certificate of ownership will be issued only to the owner(s) of record. You will need to provide an explanation of what happened to the certificate of ownership that you are replacing and the vehicle description to include, but not limited to, the model year, make, and vehicle identification number or the Washington license plate number. A request for a replacement certificate of ownership must be presented to the department on a notarized or certified:

(a) Affidavit of loss form;

(b) Letter of request from the owner(s) of record; or

(c) Affidavit in lieu of title.

(3) **Who needs to sign the request for a replacement certificate of ownership?** All legal owners shown on department records must sign the request for the replacement certificate of ownership. Signatures must be certified or notarized in accordance with WAC 308-56A-275.

(4) **What do I do if I find my certificate of ownership after I receive a replacement?** Once a replacement certificate of ownership is issued, any previously issued certificate of ownership is void and, if found, must be destroyed.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-200, filed 5/22/03, effective 6/22/03; 99-12-031, § 308-56A-200, filed 5/25/99, effective 6/25/99; Order MV 208, § 308-56A-200, filed 7/31/74.]

WAC 308-56A-210 Ownership in doubt. (1) **What does an applicant do when an acceptable release of interest as defined in WAC 308-56A-265 is not available?**

When an applicant is unable to provide an acceptable release of interest, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. Such judgment is required if ownership of the vehicle is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for registration only or bonded certificate of ownership as described in this rule if a judgment is unavailable as described in (a) of this subsection. The applicant must:

(i) Provide evidence of ownership of the vehicle such as, but not limited to, a bill of sale;

(ii) Obtain a Washington state patrol VIN inspection;

(iii) Make a reasonable effort to determine ownership of the vehicle by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vehicle may request the name and address of the owner(s) of record for that vehicle from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When the department is satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vehicle.

(A) If a record is found, the applicant must send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter must contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest.

(B) If the previous owner does not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant must provide the form titled Affidavit of Request for Bonded Title or Registration without Title, explaining how the vehicle was acquired;

If no record is found, the applicant must provide the completed form titled, Affidavit of Request for Bonded Title or Registration without Title.

(iv) Determine whether to bond the vehicle and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vehicle is a Washington state vehicle dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement on the last record found. A bond shall be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vehicle as determined by one of the following:

(A) Information provided by any guide book or other publication of recognized standing in the vehicle industry; or

(B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

(2) **If I have a bonded certificate of ownership, how can I get a certificate of ownership without the bonded notation?**

In order to get a certificate of ownership without the bonded notation, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(3) **If I have a three-year registration only, how can I obtain a certificate of ownership?**

In order to receive a certificate of ownership, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(4) **May I sell a vehicle with a bonded certificate of ownership or a three-year registration only?**

Yes. A bonded certificate of ownership may be released and provided to the buyer the same as any other certificate of ownership. There is a possibility that a Washington bonded certificate of ownership may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. If there is a registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized/certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or registration only process.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-210, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-210, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 42.17.250(1), 46.01.110, 46.12.151 and 46.12.380. 96-03-047, § 308-56A-210, filed 1/11/96, effective 2/11/96; Order MV 208, § 308-56A-210, filed 7/31/74.]

WAC 308-56A-215 Erasures, alterations, and incorrect information. (1) **Will the department accept an application for certificate of ownership or supporting documents if they have been altered?** The department may refuse to accept any application for certificate of ownership or supporting documents when ownership or vehicle information has been altered.

(2) **Will the department accept a certificate of ownership if it has been altered?** Any alteration or erasure voids the certificate of ownership unless documentation satisfactory to the department in accordance with subsection (3) of this section is submitted with the certificate.

(3) **What does the department require when a certificate of ownership, an application for certificate of ownership or supporting documents has been altered?**

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership from a Washington licensed dealer. In lieu of a release of interest, the Washington licensed vehicle dealer may attach an affidavit explaining the error in the security interest.

(c) A name erroneously shown on the certificate of ownership as the purchaser must be accompanied by either a release of interest from the erroneously named purchaser or a statement by the owner of record that the sale was not completed or other explanation for the erroneous designation.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. 03-12-006, § 308-56A-215, filed 5/22/03, effective 6/22/03; 99-12-031, § 308-56A-215, filed 5/25/99, effective 6/25/99; Order MV 208, § 308-56A-215, filed 7/31/74.]

WAC 308-56A-250 Signature of registered owner on application—Exceptions. (1) **When is the signature of a registered owner(s) required?** Each registered owner is required to sign the application for certificate of ownership **except when:**

(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(b) Authorized supportive documentation is used in lieu of the signature or signatures;

(c) The legal owner applies for a duplicate certificate of ownership;

(d) There is a statutorily authorized lien filed by a government agency against the vehicle;

(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.

(2) **When is one signature acceptable on an application for certificate of ownership with multiple registered owners?** Only one registered owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

[Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-250, filed 3/31/03, effective 5/1/03; 99-08-065, § 308-56A-250, filed 4/5/99, effective 5/6/99; 92-15-024, § 308-56A-250, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-250, filed 7/31/74.]

WAC 308-56A-265 Releasing interest. (1) **How does a registered or legal owner release interest in a vehicle?** To release interest in a vehicle a registered or legal owner must:

(a) Sign the release of interest section provided on the certificate of ownership; or

(b) Provide a release of interest document or form approved by the department.

(2) **Do signatures releasing interest need to be notarized or certified?** If the signatures releasing interest are not provided on the certificate of ownership, all signatures must be notarized or certified in accordance with WAC 308-56A-275.

(3) **When are notarized or certified signatures not required on a release of interest?** Signatures releasing interest do not need to be notarized or certified when:

(a) A signature releasing interest is provided on the certificate of ownership issued by the department or another jurisdiction;

(b) An approved affidavit in lieu of title printed by a lending institution that is authorized by the department to participate in the electronic title program is provided;

(c) A secured party is releasing interest; and

(i) The secured party is a business; and

(ii) Provide a release of interest document or form approved by the department; and

(iii) Is submitted with the current certificate of ownership;

(d) A release of interest or bill of sale from the registered owner when the vehicle is from a jurisdiction which does not title this type of vehicle;

(e) A release of interest or bill of sale from a wrecker or insurance company.

(4) **When is a release of interest not required from a registered owner?** A release of interest from the registered owner is not required when:

(a) The registered owner is identified as a lessee or sublessee on an ownership document.

(b) The vehicle is awarded to a different owner by legal action.

(5) **What other documentation may be used as a release of interest?** Documents that may be used as a release of interest include, but are not limited to:

(a) Bill of sale;

(b) Affidavit in lieu of title with the release of interest portion properly completed;

(c) Letter of release;

(d) Affidavit of repossession;

(e) Affidavit of sale on an abandoned vehicle report;

(f) Chattel or landlord lien form;

(g) Certificate of junk vehicle form; or

(h) Other documentation approved by the department.

These items may be subject to notary requirements.

[Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-265, filed 3/31/03, effective 5/1/03; 99-08-065, § 308-56A-265, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-265, filed 7/31/74.]

WAC 308-56A-270 Forms of signature. (1) **What forms of signature are acceptable to the department?** The department will accept:

(a) The signature of an individual in the same form as the name appears on the application or on the certificate of ownership.

(b) The signature containing initials corresponding to the first letter of the given name(s).

(c) The signature containing a given name(s) corresponding to the initials.

(d) Common nicknames such as Bob for Robert, Jim for James, Betty for Elizabeth, etc.

(e) The signature, any memorandum, signature stamp, mark or sign made with the intent to authenticate an application for certificate of ownership or registration of any person provided in RCW 9A.04.110(23).

(2) **What form of signature is required for business owned vehicles?** Signatures for business owned vehicles must include:

(a) The name of the business or a commonly accepted abbreviation for the business;

(b) The signature of the person authorized to sign on behalf of the business as stated in subsection (1) of this section; and

(c) The title or position of that person.

[Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-270, filed 3/31/03, effective 5/1/03. Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. 02-01-123, § 308-56A-270, filed 12/19/01, effective 1/19/02. Statutory Authority: RCW 46.01.110. 99-08-065, § 308-56A-270, filed 4/5/99, effective 5/6/99; Order MV 208, § 308-56A-270, filed 7/31/74.]

WAC 308-56A-275 Certification of signature. Who may certify signatures?

(1) Signatures must be notarized by a notary public or certified by an agent or subagent appointed by the director to conduct vehicle title and registration activities on behalf of the department. The certification must include the signature and the county, office, and operator numbers of the person certifying the signature. Signatures may also be certified by one of the following:

(a) Employees authorized by the director to certify signatures. These employees are:

(i) Deputy director; and

(ii) Assistant director for vehicle services; and

(iii) Administrator and managers of the division primarily responsible for vehicle title and registration; and

(iv) Persons assigned to liaison duties between the department and its agents and subagents; and

(v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and

(vi) Persons assigned the responsibility for investigating vehicle dealer activities; and

(b) Persons authorized by a Washington licensed vehicle dealer, if the vehicle is sold by that dealer. The certification must include the dealer number, signature, and title of the person certifying the signature.

(2) The person certifying the signatures shall require proof of identification. Approved identification includes:

(a) Drivers license; or

(b) Any nationally or regionally recognized government issued photo identification card; or

(c) Any two of the following:

(i) A nationally or regionally recognized credit card (signed);

(ii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or

(d) Other documentation satisfactory to the department.

[Statutory Authority: RCW 46.01.110. 03-08-055, § 308-56A-275, filed 3/31/03, effective 5/1/03; 99-08-065, § 308-56A-275, filed 4/5/99, effective 5/6/99; 88-20-035 (Order TL/RG 44), § 308-56A-275, filed 9/30/88; Order MV 208, § 308-56A-275, filed 7/31/74.]

WAC 308-56A-295 Vehicle sold—Reported stolen—Liability if abandoned. Who is responsible for removal, storage, and disposal fees if a vehicle has been reported stolen after it was reported sold, and is subsequently abandoned?

If a report of sale has been properly filed with the department prior to the date the vehicle was reported stolen, the purchaser shown on that report of sale will be responsible for removal, storage, and disposal fees. If a report of sale has not been properly filed, the registered owner on the department records remains liable.

[Statutory Authority: RCW 46.01.110. 03-05-081, § 308-56A-295, filed 2/19/03, effective 3/22/03; 99-01-014, § 308-56A-295, filed 12/7/98, effective 1/7/99.]

WAC 308-56A-300 Application for certificate of ownership for abandoned vehicles. What proof of ownership do I need to submit for a vehicle I purchased at a Washington abandoned vehicle auction as authorized under chapter 46.55 RCW? You must submit:

(1) A Washington Abandoned Vehicle Report - Affidavit of Sale form as provided for in WAC 308-61-026(1); and

(2) Certificate of ownership application and other documents required by RCW 46.12.030(3).

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-300, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-300, filed 6/21/99, effective 7/22/99. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. 87-21-012 (Order TL/RG/36), § 308-56A-300, filed 10/9/87; Order MV 208, § 308-56A-300, filed 7/31/74.]

WAC 308-56A-305 Law enforcement sale. (1) **What documents must I submit to obtain a certificate of ownership for a vehicle that has been purchased at a law enforcement sale?** You must submit:

(a) Documents required by chapters 46.01 and 46.12 RCW;

(b) A bill of sale from law enforcement to the purchaser stating that the vehicle was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW;

(c) A copy of an order from any district or superior court of any county of this state authorizing law enforcement to sell the vehicle; or

(d) The current certificate of ownership, if it is available.

(2) **Does the sale of a vehicle at a law enforcement sale remove any previous security interest?** Yes, the security interests are released at the time of sale.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-305, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-305, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-305, filed 7/31/74.]

WAC 308-56A-315 Name change. What document must I submit to change my name shown on the certificate of ownership? You must submit:

(1) Documents required by chapters 46.01 and 46.12 RCW; and

(2) If the name was changed by a court order, a copy of that order; or

(3) A notarized/certified affidavit signed by you stating:

(a) Your previous and current names; and

(b) The reason for the name change; and

(c) That the purpose of the name change is not to defraud.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-315, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-315, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-315, filed 7/31/74.]

WAC 308-56A-320 Transfer by court order. (1) **What documents must I submit if ownership of a vehicle is awarded by court order?** In addition to ownership documents required by chapter 46.12 RCW and registration documents required by chapter 46.16 RCW, you must submit:

(a) A copy of the Washington state court order, or certification from the clerk of the court confirming the courts action; or

(b) Finding of fact, conclusion of law and decision from the Washington state office of administrative hearings per RCW 46.12.330 for vehicles titled in Washington state; or

(c) A copy of the foreign court order if a vehicle for which ownership was most recently established is in the same jurisdiction as the court action, example: California court order and California vehicle ownership documents; or

(d) The court order to be filed in accordance with RCW 6.36.025 if the court order and vehicle certificate of ownership are not from the same jurisdiction; or

(e) A certificate of ownership from a foreign jurisdiction in the applicant's name.

(2) **What information does the department require on the court order or legal decision as defined in RCW 46.12.330?** At a minimum, the court order or legal decision must contain:

(a) The full name of the person to whom the property is awarded;

(b) A description of the vehicle(s) awarded;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) **Does the department require all pages of the final court order or legal decision as defined in RCW 46.12.330?** No, the department requires only copies of pages of the final court order or legal decision that contain:

(a) The information listed in subsection (2) of this section; and

(b) If the court order or legal decision identifies any collateral agreements, include the first page, the signature page, and vehicle description; and

(c) The page of the order or decision actually signed by the judge or legal official.

(4) **Does the copy of the court order or legal decision need to be certified?** No.

(5) **What does the department require if the court order or legal decision does not describe the vehicle by vehicle identification number (VIN) or Washington license plate number?** The department requires a certified or notarized statement from the owner describing the vehicle in the court order or legal decision by year, make and VIN or vehicle license plate number.

(6) **Does the court order or legal decision allow the department to remove the security interest recorded on the current certificate of ownership?** The department will remove the security interest only if the court order or legal decision specifically directs the department to do so.

(7) **How do I get the security interest removed if the court order or legal decision does not specifically direct the department to do so?** The new owner may:

(a) Negotiate with the secured party to obtain either a release of interest or a new security agreement; or

(b) Petition the original court or legal official that issued the order or decision, or a higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-320, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-320, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-320, filed 7/31/74.]

WAC 308-56A-325 Owner incompetent. (1) **What documentation does the department require to show a guardian has been appointed for a person who has been declared incompetent?** The department requires a copy of the order issued from any district or superior court of competent jurisdiction.

(2) **How is the interest of a person who has been declared incompetent by the court recorded on the certificate of ownership issued by the department?** The department will record the name of the court appointed guardian(s) followed by the designation GDN and the name of the estate of the person declared incompetent on the certificate of ownership. Example: John Doe GDN, Estate of Mary Smith.

(3) **Who releases interest on a vehicle ownership document if the owner is declared incompetent?** Only the court appointed guardian may release interest in the vehicle. If guardianship is not recorded on the current certificate of ownership, a copy of the court order appointing the guardian must accompany the release of interest. The guardian may not appoint any person through power of attorney to release interest.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-325, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-325, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-325, filed 7/31/74.]

WAC 308-56A-330 Owner bankrupt. Who releases interest in a vehicle when an owner has been declared bankrupt? The owner or the trustee appointed by the bankruptcy court has the authority to release interest in a vehicle. A copy of the court order appointing the trustee must accompany the release of interest.

[Statutory Authority: RCW 46.01.110, 46.12.101. 03-12-071, § 308-56A-330, filed 6/3/03, effective 7/4/03; 99-13-150, § 308-56A-330, filed 6/21/99, effective 7/22/99; Order MV 208, § 308-56A-330, filed 7/31/74.]

WAC 308-56A-455 Assembled and homemade vehicles. (1) **What constitutes an assembled vehicle?** An assembled vehicle is a vehicle that has been put together by using major component parts from two or more commercially manufactured vehicles. For the purposes of this section major component parts include replacement of those listed in RCW 46.80.010(5). Assembled vehicles are not glider kits, custom built, replica, or kit vehicles. An assembled vehicle will be recognized as one produced by a particular manufacturer.

(2) **What constitutes a homemade vehicle?** A homemade vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle is determined by the Washington state patrol at the time of inspection. The make is homemade.

(3) **What is the difference between an assembled vehicle and a homemade vehicle?** The difference between an assembled and a homemade vehicle is that an assembled vehicle will be recognizable as one produced by a particular manufacturer. A homemade vehicle will be a vehicle that cannot visually be identified as one produced by a particular manufacturer. The model year of a homemade vehicle will be the original year of licensing and the make will be homemade.

(4) **What documents are required to apply for a certificate of ownership for an assembled or homemade vehicle?** The application for certificate of ownership must be accompanied by the following documents:

(a) The certificate of ownership or bills of sale for each vehicle or major component part used in the assembly or construction of the vehicle. The bills of sale must be notarized unless the vendor has a regular place of business and is registered with the department of revenue as an agent for use tax purposes. The bill(s) of sale shall include:

(i) The names and addresses of the seller and purchaser;

(ii) A description of the part being sold, including the make, model and identification or serial number;

(iii) The date of sale;

(iv) The purchase price of the part; and

(v) The stock number if from a Washington licensed wrecker.

(b) A Washington state patrol inspection or inspection from other personnel authorized by the director verifying the vehicle identification number, make, model, and year; and

(c) A completed declaration of value form.

(5) **What happens if I must remove, destroy or conceal a vehicle identification number during assembly or construction of my vehicle?** The assembled parts must be inspected by an authorized member of the Washington state patrol or other personnel authorized by the director who will issue a statement of fact prior to assembly or construction of a vehicle involving the removal, destruction, or concealment of any vehicle identification number. After assembly of a vehicle where the identification number has been removed, destroyed or concealed, an authorized member of the Washington state patrol or other personnel authorized by the director must determine if a new vehicle identification number will be assigned.

[Statutory Authority: RCW 46.01.110. 03-10-097, § 308-56A-455, filed 5/7/03, effective 6/7/03; 00-04-046, § 308-56A-455, filed 1/27/00, effective 2/27/00; 92-15-024, § 308-56A-455, filed 7/6/92, effective 8/6/92; Order MV 208, § 308-56A-455, filed 7/31/74.]

Chapter 308-88 WAC
RENTAL CAR TAXATION AND LICENSING

WAC

308-88-020 Application and registration of rental vehicle businesses.

WAC 308-88-020 Application and registration of rental vehicle businesses. (1) **What is required to become a rental vehicle business?**

(a) Applicants must apply for a rental vehicle business license by submitting a completed master license application to the department of licensing's master license service.

(b) A separate master license application must be filed for each place of business operated as a rental vehicle business. For the purposes of this section, "place of business" means a physical location at which arrangements to rent a rental vehicle may be made.

(c) Businesses operating in the form of a corporation, limited liability company, limited liability partnership, or similar form of legal entity must register their legal entity through the office of the secretary of state before applying for a rental vehicle business license.

(2) **What will I receive as proof that I qualified as a vehicle rental business?** A rental vehicle business registration number will be issued to your business and displayed on the master license.

(3) **Can I transfer my business registration number to another company?** No. The rental vehicle business registration number issued through the master license service is not assignable or transferable, and is valid for the rental vehicle business the registration number was issued to.

Rental vehicles must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental vehicle business by its previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is part of a properly registered International Registration Plan (IRP) rental vehicle business fleet.

(4) **Does the current certificate of registration issued by the department need to be carried in the rental vehicle?** A photocopy of the current certificate of registration may be carried in a rental vehicle in lieu of the original certificate of registration.

(5) **Who may operate a rental vehicle?** Rental vehicles may only be used by rental customers, unless the rental vehicle is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(6) **What does a rental vehicle business do when they remove a rental vehicle from their fleet?** The rental vehicle business may submit a vehicle seller's report of sale that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or change in ownership has occurred.

[Statutory Authority: RCW 46.01.110. 04-01-162, § 308-88-020, filed 12/22/03, effective 1/22/04; 00-06-024, § 308-88-020, filed 2/23/00, effective 3/25/00. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-020, filed 12/11/92, effective 1/11/93.]

Chapter 308-90 WAC
VESSEL DEALER REGISTRATION

WAC

308-90-040 Dealer registration application form.

WAC 308-90-040 Dealer registration application form. How do I apply for a vessel dealer registration?

Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

(1) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(2) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(3) The firm's business structure and place of organization.

(4) The uniform business identification number issued by the department of licensing.

(5) Whether the applicant has been adjudged guilty of a crime which directly relates to the marine trade industry and the time elapsed since the conviction is less than ten years, and in the case of a corporation, partnership, or limited liability company all directors, officers, partners or members.

(6) Any other information the department may reasonably require.

[Statutory Authority: RCW 88.02.100. 03-22-095, § 308-90-040, filed 11/5/03, effective 12/6/03; 02-05-073, § 308-90-040, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-040, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-040, filed 7/1/83.]

Chapter 308-93 WAC
VESSEL REGISTRATION AND CERTIFICATES OF TITLE

WAC

308-93-230 Procedure for perfecting security interest.
308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/).
308-93-380 Format required for name and address—Ownership in joint tenancy.
308-93-390 Vessels held in trust.
308-93-440 Ownership in doubt.

WAC 308-93-230 Procedure for perfecting security interest. (1) **How is the security interest in a vessel perfected?**

A security interest in a vessel is perfected when the requirements similar to RCW 46.12.095 for vehicles is followed. Security interest in a vessel (other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required) is perfected only by completing the requirements of RCW 46.12.103 for vessels under the circumstances provided for in this section:

(a) The existing certificate and application for certificate of ownership containing the name and address of the secured party is received by the department with required fees; or

(b) The secured interest is perfected as of the time of its creation if the secured party's name and address appear on the outstanding certificate of ownership when received in (a) of this subsection with appropriate fees; or

(c) The vessel is subject to a security interest when brought into this state. The perfection of the security interest is determined by the jurisdiction in which the vessel was either purchased, registered and/or titled and the security interest is attached.

If perfected through the laws of another jurisdiction, the following applies:

(i) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state.

(ii) If the security interest was not perfected under the law of the jurisdiction where the vessel was when the security interest was attached, it may be perfected in this state, in that case perfection dates from the time of perfection in this state.

The application must be in the same manner as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(2) **When would the department of licensing not issue a certificate of ownership?**

(a) Vessels that are documented in compliance with federal regulations are issued a registration and are not issued a certificate of ownership; or

(b) When ownership in doubt; or

(c) The out-of-state lien holder retains title.

(3) **What fees are charged for adding, deleting or changing a secured party?**

An application fee and filing fee are due for each transaction. An additional service fee is charged if a licensing subagent processes the transaction as referenced in RCW 88.02.070.

(4) **What is the secured party's obligation when the lien has been satisfied?**

When a certificate of ownership is required, the secured party must comply with RCW 46.12.170 as provided for vehicles, and WAC 308-93-069 and 308-93-070 as provided for vessels and pay the required fees.

Requirements for application for certificate of ownership:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department will not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, includ-

ing dealers, have released or assigned their interest, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership must be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available must be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;

(vii) Other verification of ownership approved by the department, such as:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(5) **What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?**

The secured party must comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes, but is not limited to:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The department-assigned customer account number for each owner of the vessel including secured parties if available;

(d) The address at which one of the owners regularly receives mail;

(e) The mailing address of the first secured party;

(f) The Washington registration number as assigned;

(g) Make and model year;

(h) Length of vessel;

(i) Type of power (gasoline, diesel, etc.);

(j) Primary use (commercial, pleasure, etc.);

(k) Primary method of propulsion (inboard, sail, etc.);

(l) Type of vessel (runabout, cabin, etc.);

(m) Primary vessel construction (fiberglass, wood, etc.);

(n) County of moorage;

(o) Hull identification number, if one has been assigned;

(p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

In addition to the information listed above, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

(6) **Is the secured party liable for the acts of the vessel owner?**

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 03-15-019, § 308-93-230, filed 7/8/03, effective 8/8/03. Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-230, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100. 98-21-001, § 308-93-230, filed 10/8/98, effective 11/8/98; 92-24-035, § 308-93-230, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-230, filed 11/18/83.]

WAC 308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/). (1) **Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership?** No, the department no longer uses these designations when recording ownership interest. For those certificates of ownership that have been issued using one of these designations:

(a) Any registered owners shown are considered to have equal registered owner interest in the vessel; and

(b) Any secured parties shown are considered to have equal secured party interest in the vessel.

(2) **Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** No. The department does not allow the use of these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-370, filed 3/18/03, effective 4/18/03; 01-21-071, § 308-93-370, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-370, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Format required for name and address—Ownership in joint tenancy. (1) **What does joint tenancy with rights of survivorship (JTWROS) mean when noted on a certificate of ownership?** If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate issued by a government entity and an application for certificate of ownership signed by the surviving owner(s).

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership must show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of ownership will be printed showing the abbreviation "JTWROS" in the brands/comments section.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-380, filed 3/18/03, effective 4/18/03; 01-21-071, § 308-93-380, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-380, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) **How is a trust shown on a certificate of ownership?** A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) **What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts Trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(3) **What is required when the trustee no longer acts on behalf of a trust?** If a trustee no longer acts on behalf of a trust, and the vessel ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust application for new certificate of ownership is not required.

Note: New, or successor, trustees must provide documentation showing they are named as such in the trust.

(4) **What is required when a trust is terminated?** If the termination of the trust results in a change of ownership for the vessel, the new owner must apply for a new certificate of ownership under chapter 88.02 RCW.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-390, filed 3/18/03, effective 4/18/03. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02,100 [88.02.100]. 01-08-022, § 308-93-390, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-22-059, § 308-93-390, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-440 Ownership in doubt. (1) **What does an applicant do if an acceptable release of interest as defined in WAC 308-93-460 is not available?** When an applicant is unable to provide an acceptable release of interest for a vessel, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel; such judgment is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for "registration only" or bonded certificate of ownership as described in this rule if a judgment is unavailable as described in (a) of this subsection. The applicant must:

(i) Provide evidence of ownership of the vessel including, but not limited to, a bill of sale;

(ii) Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When the department is satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vessel.

(A) If a record is found, the applicant must send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter must contain information regarding the sender's claim to ownership and a request for the released

certificate of ownership or a notarized or certified release of interest.

(B) If the previous owner does not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant must provide a completed affidavit of request for bonded title or registration, explaining how the vessel was acquired;

If no record is found, the applicant must provide the completed form titled, Affidavit of Request for Bonded Title or Registration Without Title.

(iii) Determine whether to bond the vessel and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vessel is a Washington state vessel dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement on the last record found. A bond will be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vessel as determined by one of the following:

(A) Information provided by a value guide book or other publication of recognized standing in the vessel industry; or

(B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

(2) **If I have a bonded certificate of ownership for my vessel, how can I get a certificate of ownership without the bonded notation?** In order to get a certificate of ownership without the bonded notation, you may:

(a) Submit a properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(3) **If I have a three-year vessel registration only, how can I obtain a certificate of ownership?** In order to receive a certificate of ownership, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(4) **May I sell or release my interest in the vessel during the three-year ownership in doubt period?** Yes. A bonded certificate of ownership may be released and provided to the buyer in the same way as any other certificate of ownership. The Washington bonded certificate of ownership may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. For registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized/certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or registration only process.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-440, filed 3/18/03, effective 4/18/03; 00-23-028, § 308-93-440, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-440, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-440, filed 1/11/96, effective 2/11/96. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-440, filed 11/18/83.]

Chapter 308-96A WAC
VEHICLE LICENSES

WAC

308-96A-021 Replacement plates—Requirements.
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308-96A-550 Vehicle special collegiate license plates.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-96A-177 Replacement of license plates. [Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-177, filed 4/30/01, effective 5/31/01.] Repealed by 03-05-080, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110.

WAC 308-96A-021 Replacement plates—Requirements. (1) **How do I obtain replacement plate(s)?**

You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(2) **When do I need to replace my plate(s)?**

You need to replace your plate(s) if:

(a) Your plate(s) are lost, stolen, destroyed, or mutilated; or

(b) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or

(c) Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233.

(3) **Who can apply for replacement plate(s)?**

One of the registered owners must apply for replacement plate(s).

(4) **What documentation do I need to apply for replacement plate(s)?**

(a) If your plate(s) are lost, stolen, destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent. A replacement plate fee will be charged.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

(5) **What if the department issued incorrect plate(s) for my vehicle?**

When incorrect plate(s) have been issued due to departmental error, the department will replace the plate(s) without

the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

(6) **What is the replacement cycle date for my license plate?** The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

(7) **How will I obtain replacement plate(s)?** You obtain replacement plate(s) by applying, either in person or by mail, to a Washington vehicle licensing office.

(8) **When I am required to replace a special license plate, will I receive the same license plate number/letter combination?** Special license plates in subsection (9)(b) through (m) of this section, upon request, will be replaced with the same number/letter combination as shown on the vehicle computer record.

(9) **What license plates are required to be replaced?** Vehicles that have license plates seven years or older that include:

(a) Standard issue;
(b) Collegiate;
(c) HAM/MARS;
(d) Personalized;
(e) Ride share;
(f) Disabled person;
(g) Disabled veterans;
(h) Pearl Harbor survivors;
(i) Purple heart;
(j) Stadium;
(k) Square dancer;
(l) Honorary Consular;
(m) Former prisoner of war;
(n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under.

(10) **What license plates are exempt from the replacement requirements?**

(a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;

(b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;

(c) Collector vehicle, horseless carriage vehicle and restored plates;

(d) Plates issued to government agencies with exempt use class; and

(e) Congressional Medal of Honor license plates.

[Statutory Authority: RCW 46.01.110. 03-05-080, § 308-96A-021, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-021, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-021, filed 5/28/87.]

WAC 308-96A-047 Cooper Jones/Share the Road license plate emblems affixed to license plates. (1) **Where do I order the Cooper Jones/Share the Road license plate emblem?** You order them from the Washington state department of printing's general store located at www.prt.wa.gov or by mail to Department of Printing, P.O. Box 798, Olympia, WA 98507-0798.

(2) **Who may purchase the emblems?** Anyone may purchase as many emblems as they choose.

(3) **Is there a fee for the plate emblems?** A fee will be charged for **each set of** emblems described under RCW 46.16.333.

(4) **Are there vehicles that may not bear the Cooper Jones/Share the Road emblems?** Yes, those vehicles excluded under chapter 46.87 RCW, nonmotorized, and one-plated vehicles.

(5) **How shall I affix my Cooper Jones/Share the Road license plate emblem to my license plate?** In addition to requirements and limitations in RCW 46.16.327, the "SHARE THE ROAD" portion of the emblem set shall be displayed between the bottom license plate bolt holes of the front or rear license plate.

(6) **Do I have to affix my Cooper Jones/Share the Road emblem to a license plate?** No. There are no restrictions regarding placement of the emblem other than the license plate, or except where the law stipulates you may not obstruct the driver's view.

[Statutory Authority: RCW 46.01.110. 03-05-080, § 308-96A-047, filed 2/19/03, effective 3/22/03.]

WAC 308-96A-074 Antique vehicle—Collector vehicle license plates. (1) **What is a collector vehicle license plate?** For the purposes of this section a collector vehicle license plate is a special license plate indicating "Collector Vehicle." The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) **What vehicles qualify for a collector vehicle license plate?** Any motor vehicle which is:

(a) More than thirty years old; and
(b) Capable of being operated upon the highway; and
(c) Currently registered in Washington; and
(d) Operated primarily as a collector vehicle.

(3) **How is a collector vehicle license plate to be displayed?** The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) **What additional fees are required to obtain a collector vehicle license plate?** In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) **Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233?** No, the collector vehicle license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

(7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the

second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. You may keep the license plate if the vehicle ownership changes; however, it is not transferable to any other motor vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-074, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276. 02-16-071, § 308-96A-074, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-074, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-074, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-074, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-074, filed 1/29/91, effective 3/1/91.]

WAC 308-96A-177 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-96A-180 Registration of rental vehicles. (1) **What is a rental vehicle?**

A rental vehicle is defined in RCW 46.04.465.

(2) **Who registers a rental vehicle?**

Any Washington vehicle licensing office registers rental vehicles.

(3) **How will I register my rental vehicles?**

Annual renewal of rental vehicle registration may be processed through any Washington vehicle licensing office or by mail by meeting the qualifications and paying the appropriate fees. The rental vehicle business registration number must be included on the vehicle registration. The name of the legal or registered owner on a rental vehicle registration must be identical to the business name displayed on the master license.

(4) **Do rental vehicles operated in Washington need to be registered in Washington?**

Rental vehicles must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental vehicle business by its previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is part of a properly registered International Registration Plan (IRP) rental vehicle business fleet.

(5) **Does the current certificate of registration issued by the department need to be carried in the rental vehicle?**

A photocopy of the current certificate of registration may be carried in a rental vehicle in lieu of the original certificate of registration.

(6) **Who may operate a rental vehicle?**

Rental vehicles may only be used by rental customers, unless the rental vehicle is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(7) **What does a rental vehicle business do when they remove a rental vehicle from their fleet?**

The rental vehicle business may submit a vehicle seller's report of sale that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

[Statutory Authority: RCW 46.01.110. 04-01-162, § 308-96A-180, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-180, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-96A-180, filed 7/11/95 effective 8/11/95.]

WAC 308-96A-314 Disabled person special license plates—Individual. (1) **Where can I obtain a disabled person special license plate and identification card?**

You may apply for a disabled person special license plate at most Washington vehicle licensing offices. You will receive the identification card and disabled person special license plates in the mail.

(2) **How do I obtain disabled person special license plates?**

To receive disabled person special license plates:

(a) Your name must be shown on the department's record as being a registered owner of the vehicle; and

(b) You must be certified by a licensed physician as having a permanent disability or have a permanent disabled person parking privilege established with the department.

(3) **When do the disabled person special license plates and identification card expire?**

The disabled person special license plate carries the expiration date of your vehicle registration and must be renewed annually. The privilege to use the disabled person special license plate must be renewed every fifth year from the month of issuance of the privilege.

(4) **When are the disabled person special license plates no longer valid?**

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) Upon death of the disabled person;

(d) If the disability no longer exists;

(e) The disabled person special license plates have been canceled by department administrative action;

(f) If the privilege was issued in error; or

(g) If the disabled person is no longer shown on the department's record as being a registered owner of the vehicle.

(5) **How do I replace a disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

You shall complete and sign a statement explaining what happened to the disabled person special license plate(s) and pay replacement plate fees. Replacement special disabled person license plates will be issued indicating the current expiration date. See note following subsection (6) of this section.

(6) **When I am required to replace my disabled person special license plate(s), will I receive the same number/letter combination?** Yes. Upon request you will receive replacement disabled person parking special license plate(s) with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-314, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-314, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-314, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-314, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-316 Permanent placard and disabled person special license plates for organizations. (1) **When can a qualifying organization use disabled person special license plates or special disabled person parking placards?**

Qualifying organizations may only use disabled person special license plates or disabled person parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) **How does an organization qualify for disabled person special license plates and permanent disabled person parking placards?**

The organization must:

(a) Meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent disabled person parking placard or disabled person special license plate to the department by April 30th each year.

(3) **How does a qualifying organization apply for disabled person special license plates and permanent disabled person parking placards?**

The organization must submit a properly completed disabled person parking privileges organization application to the department with appropriate documentation as indicated on the application.

(4) **What may a qualifying organization receive when approved for disabled person parking privileges?**

(a) Disabled person special license plates may be issued for vehicles registered to the organization which regularly transport persons who have qualified or would qualify for disability parking privilege; or

(b) Disabled person parking placard(s) which may be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disability parking privilege.

An organization may receive up to ninety-nine placards based on their legitimate business requirements. The department may approve exceptions.

(5) **Where does a qualifying organization obtain disabled person parking placard(s) or disabled person special license plates?**

A qualifying organization may obtain permanent disabled person parking placard(s) and disabled persons special license plates at a Washington vehicle licensing office.

(6) **Is a qualifying organization issued an identification card?**

No. An identification card will not be issued for an organization.

(7) **When does the permanent disabled person parking placard(s) issued to a qualifying organization expire?**

The permanent disabled person parking placard(s) expires five years from the date of issuance. On the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2003, it expires May 31, 2003.

(8) **When are the disabled person special license plates issued to a qualifying organization no longer valid?**

The disabled person special license plates are no longer valid when:

(a) The plates expire;

(b) The privilege expires;

(c) The vehicle is no longer being used for the purpose of transporting disabled persons;

(d) The disabled person special license plates have been canceled by department administrative action;

(e) The organization no longer qualifies;

(f) The organization's business license is canceled or expires;

(g) If the privilege was issued in error; or

(h) If the organization fails to return the annual report.

(9) **How does a qualifying organization replace permanent disabled person parking placards or disabled person special license plates if they become lost, mutilated, destroyed, or stolen?**

The organization shall complete and sign a statement explaining what happened to the placards or disabled person special license plates and pay replacement fees. Replacement permanent disabled person parking placards or disabled person special license plates will be issued indicating the original expiration date. This voids the previously issued permanent placards or plates. See note following subsection (10) of this section.

(10) **When I am required to replace my disabled person special license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement disabled person parking special license plates with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

(11) **How does a qualifying organization renew their permanent disabled person parking placard?**

The department will send a disabled person parking renewal notice to the qualifying organization before the privilege expires. The privilege is renewed by submitting the completed and signed renewal notice or a new application may be submitted in lieu of the renewal notice. Upon

approval of the properly completed and signed renewal notice or application the department will issue new placards.

(12) **When are the disabled person parking placards, issued to qualifying organizations, no longer valid?**

Disabled persons parking placards are no longer valid when:

(a) The organization no longer qualifies;

(b) The organization's business license is canceled or expires;

(c) The placard was issued in error;

(d) A replacement has been issued; or

(e) If the organization fails to return the annual report.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-316, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-316, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-316, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-316, filed 10/29/98, effective 10/29/98.]

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate license plates?** The department must approve an application for special collegiate license plate series from an institution of higher education according to RCW 46.16.324. The following criteria must be satisfied:

(a) The special collegiate license plate lettering and color scheme is compatible with the basic license plate design.

(b) The plates will consist of numbers, letters, or figures or any combination thereof not exceeding seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(f) The plate must be designed so that it can be easily recognized by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) **How is the design for a collegiate plate determined?** The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. The design must be approved by the department based on compatibility with the basic license plate design.

(3) **Who may apply for the special collegiate license plate?** Upon receipt of all applicable fees, the special collegiate license plate will be issued to the registered owner of the vehicle regardless of the applicant's age, gender, religion, race, color, creed, marital status, national origin, disability, or affiliation with an institution of higher education.

(4) **When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates?** The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) **Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred?** If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) **Will I be able to obtain the same collegiate license plate number if my plate is lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270. See note following subsection (8) of this section.

(7) **Will I ever have to replace my collegiate license plate?** Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

(8) **When I am required to replace my collegiate license plate, will I receive the same license plate number/letter combination?** Yes. If you request, you will receive replacement collegiate license plates with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-550, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-550, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-550, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-550, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-550, filed 1/18/91, effective 2/18/91.]

Chapter 308-97 WAC

VEHICLE LICENSE INTERSTATE AND INTRANSIT PERMITS

WAC

308-97-011	Definitions.
308-97-125	Display of trip permits.
308-97-230	Appointment of vehicle trip permit agents.

WAC 308-97-011 Definitions. "Motor carrier" is a person or business who owns, leases or operates a vehicle which carries freight and/or passengers and either:

(1) The vehicle has a gross vehicle weight or combined gross vehicle weight greater than twenty-six thousand pounds;

(2) Is a trailer with a gross vehicle weight rating of greater than ten thousand pounds; or

(3) Carries sixteen or more passengers, including the driver.

[Statutory Authority: RCW 46.16.160. 04-01-163, § 308-97-011, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 46.16.160 and 88.38.100. 00-07-053, § 308-97-011, filed 3/8/00, effective 4/8/00.]

WAC 308-97-125 Display of trip permits. How is a trip permit displayed?

The vehicle display copy of the trip permit must be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, neighborhood electric vehicles (NEV), small trucks and campers: Affix permit to the inside lower left corner of the rear window, upright so that it may be easily read.

(2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

(4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

[Statutory Authority: RCW 46.16.160. 04-01-163, § 308-97-125, filed 12/22/03, effective 1/22/04; 98-23-026, § 308-97-125, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-125, filed 7/24/81.]

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) **Who can sell vehicle trip permits?**

Vehicle trip permits may be sold by those entities cited in RCW 46.16.160. These entities include government and nongovernmental organizations.

(2) **How does a nongovernmental organization obtain approval to sell vehicle trip permits?**

Nongovernmental organizations must:

(a) Apply to the department;

(b) Execute an agreement to abide by the requirements of this section and RCW 46.16.160;

(c) Provide a surety bond; and

(d) Provide transmission fee schedule if issuing permits electronically.

(3) **How do I obtain an application to become an agent for selling trip permits?**

Any nongovernmental organization may obtain an application form from the department of licensing, prorate and fuel tax section.

(4) **What are the components of the agreement?**

The components of the agreement require the agent to:

(a) Timely account and pay all permit fees;

(b) Subject their books and records to periodic audit;

(c) Pay interest and penalties upon any deficiency;

(d) Maintain records of transmittals for a period of four calendar years and make these records available to the department or its representative during business hours at the agent's office;

(e) Mail or deliver transmittals at least bimonthly to the department by the last Friday of each recording period for permit sales covering the preceding fifteen days. Transmittals must be accompanied by the appropriate fees and any documents required by the department;

(f) Reimburse the department for the administrative fee and excise tax of any permit, which is missing, lost, or otherwise unaccounted for. For the purposes of this section, "excise tax" means the tax collected as explained in RCW 46.16.160(9).

(5) **What are the requirements of a surety bond?**

The requirements of a surety bond are to:

(a) Be on a form provided by the department;

(b) Meet the provisions of chapter 48.28 RCW for a corporate surety bond;

(c) Be executed by the applicant as principal;

(d) Be payable to the state conditioned upon the performance of all the requirements of this section and RCW 46.16.160, including payment of any and all permit fees, payment of audit assessments, interest and penalties due or which become due;

(e) Be in an amount equal to the monetary value of vehicle trip permits issued to an agent.

(6) **What is the agent fee for selling a vehicle transit permit?**

The agent fee is the filing fee mandated by RCW 46.01.140.

(7) **How may vehicle trip permits be issued?**

Vehicle trip permits may be issued by:

(a) Original manual form;

(b) Facsimile of the manual form; or

(c) Authorized electronic form.

(8) **If the permit is issued by facsimile or other electronic means, may the agent collect an additional transmission fee?**

Yes. As long as the fee does not exceed that listed on the transmission schedule filed with the department.

(9) **What happens if the agent fails to comply with the agreement?**

The department may, after proper notice, served personally or by an affidavit of mailing, revoke the appointment of any agent who has violated any provisions of RCW 46.16.160, chapter 308-97 WAC, or breached the appointment agreement. Upon notice of revocation of an agent's appointment, the agent must return to the department any vehicle trip permits in inventory and any money owed to the department.

[Statutory Authority: RCW 46.16.160. 04-01-163, § 308-97-230, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 46.01.110 and chapter 82.44 RCW. 01-17-085, § 308-97-230, filed 8/17/01, effective 9/17/01. Statutory Authority: RCW 46.16.160. 98-23-026, § 308-97-230, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

Chapter 308-99 WAC
VEHICLE RECIPROCITY

WAC

308-99-040 Restrictions and conditions.

WAC 308-99-040 Restrictions and conditions. Is a vehicle properly licensed or registered in another jurisdiction able to be operated in Washington without further registration requirements? Yes, as provided in RCW 46.85.060 and 46.85.080 the following conditions and restrictions apply:

(1) Nonresident students: The student must be in full-time attendance at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Students' vehicles must be registered in their name or the name of their parent or legal guardian in the resident state of record. The student must carry, in the vehicle, documentation issued by the institution that readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(2) Nonresident military personnel: Vehicles must be currently registered in the name of the military person at his/her official home of record. A vehicle licensed at the last duty station may be operated until expiration of the registration at which time it must be licensed in the home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(3) Borrowed vehicle: A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(4) Vehicles undergoing repairs: Commercial vehicles having a gross weight or combined gross weight of over 26,000 pounds and properly registered and licensed in another state or Canadian Province may enter Washington for purposes of repair under the following conditions:

(a) The vehicle must enter the state unladen and proceed immediately to the repair facility.

(b) The vehicle must immediately leave the state, unladen, upon completion of repairs.

(c) The vehicle cannot engage in any commercial activity while in Washington.

(d) The repair facility must be located within fifteen miles of the Washington border.

(e) While in Washington, the vehicle must carry the following documentation:

(i) An "out-of-state vehicle repair statement of fact." Blank forms are available from the department of licensing Internet site at www.gov.wa/dol.

(ii) A copy of the vehicle repair work order issued by the repair facility before the vehicle enters Washington.

(f) The repair facility must maintain a copy of the "out-of-state vehicle repair statement of fact" and vehicle repair work order for a period of five years. The repair facility must make the forms available for inspection by state agency representatives.

[Statutory Authority: RCW 46.85.060. 03-04-092, § 308-99-040, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 46.01.110. 00-20-064, § 308-99-040, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-040, filed 10/9/87. Statutory Authority: RCW 46.01.110. 87-01-029 (Order 800-DOL), § 308-99-040, filed 12/11/86. Statutory Authority: RCW 46.85.060. 86-02-056 (Order TL-RG-22), § 308-99-040, filed 12/31/85; 85-20-080 (Order TL/RG 17), § 308-99-040, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-040, filed 9/9/83. Formerly WAC 410-20-040.]

Chapter 308-100 WAC
DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

308-100-090 Commercial motor vehicle instruction permits.
308-100-180 Third party testing fee.

WAC 308-100-090 Commercial motor vehicle instruction permits. Any person who is at least eighteen years of age and who meets the requirements of RCW 46.25.060(4) may apply to the department for an instruction permit for the operation of a commercial motor vehicle. When operating a commercial motor vehicle on a highway, the instruction permit holder must be accompanied by the holder of a commercial driver's license valid for the vehicle being driven, with no less than two years of driving experience with the class of commercial motor vehicle being operated, and no less than five years of total driving experience. The holder of the commercial driver's license must occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

[Statutory Authority: RCW 46.01.110, 46.25.060, 46.25.140. 03-10-024, § 308-100-090, filed 4/28/03, effective 5/29/03; Order 108 MV, § 308-100-090, filed 9/14/71.]

WAC 308-100-180 Third party testing fee. Except as provided in WAC 308-100-190 (Requirements for exceeding base fee), the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than seventy-five dollars. The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

[Statutory Authority: RCW 46.01.110, 46.25.060, 46.25.140. 03-10-024, § 308-100-180, filed 4/28/03, effective 5/29/03. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-180, filed 8/24/89, effective 9/24/89.]

Chapter 308-124B WAC
REAL ESTATE—BROKER'S OFFICE

WAC

308-124B-150 Office requirement for brokers actively licensed in another jurisdiction.

WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction. The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the Washington location where trust account and transaction records are maintained. Such records are required to be maintained for three years. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Seattle or Olympia) nearest to the location of the records to sign the audit report.

If a real estate licensee actively licensed in another jurisdiction, whose headquarter office is located in that other jurisdiction, has obtained a Washington real estate license through a license recognition agreement, that licensee may maintain required Washington real estate transaction records in their out-of-state jurisdiction and with the out-of-state broker to whom they are licensed, providing it is allowed for in the license recognition agreement.

[Statutory Authority: RCW 18.85.040(1). 03-14-019, § 308-124B-150, filed 6/20/03, effective 7/21/03; 02-03-054, § 308-124B-150, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-150, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.]

Chapter 308-124E WAC
REAL ESTATE—TRUST ACCOUNT PROCEDURES

WAC

308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.

WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as housing trust fund account for deposit of trust funds which are ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than ten thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other nontrust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, a broker shall deliver the deposit to the party designated to hold the funds. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement, unless parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040(1). 03-21-019, § 308-124E-013, filed 10/6/03, effective 11/6/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124E-013, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-013, filed 11/7/91, effective 12/8/91; 90-23-039, § 308-124E-013, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124E-013, filed 9/30/88. Statutory Authority: RCW

18.85.310. 88-16-102 (Order 755), § 308-124E-013, filed 8/3/88; 88-06-040 (Order PM 712), § 308-124E-013, filed 3/1/88.]

Chapter 308-124H WAC

REAL ESTATE COURSE SCHOOL AND INSTRUCTOR APPROVAL—EDUCATION OF REAL ESTATE BROKERS AND SALESPERSONS

WAC

308-124H-029 Distance education delivery method approval required.
308-124H-061 Grounds for denial or withdrawal of course approval.

WAC 308-124H-029 Distance education delivery method approval required. Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter and how these relate to the practice of real estate. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastery used for each learning objective and provide a structured learning method designed to enable students to attain each objective;

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and fax;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims;

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics;

(11) Demonstrate how the provider determined the number of clock hours requested in the distance education delivery method approval application; and

(12) Provide with each distance education delivery method approval application a copy of a course evaluation form. The provider must provide each student with the mandatory evaluation form and retain the completed form in the school records as required under WAC 308-124H-245(4).

[Statutory Authority: RCW 18.85.040(1). 03-14-020, § 308-124H-029, filed 6/20/03, effective 7/21/03; 03-02-001, § 308-124H-029, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-029, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-061 Grounds for denial or withdrawal of course approval. Course approval may be denied or withdrawn if the instructor or any owner, administrator or affiliated representative of a school, or a course provider or developer:

(1) Submits a false or incomplete course application or any other information required to be submitted to the department;

(2) Includes in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," and "real estate practice" if the course was not submitted for approval of clock hours pursuant to WAC 308-124H-012;

(3) If the title of the course misleads the public and/or licensees as to the subject matter of the course;

(4) If course materials are not updated within thirty days of the effective date of a change in the statute or rules;

(5) If course content or material changes are not submitted to the department for approval prior to the date of using the changed course content;

(6) Failed to meet the requirements under WAC 308-124H-025, 308-124H-026, and 308-124H-029;

(7) If a course or prescribed core curriculum was approved through the mistake or inadvertence of the director.

[Statutory Authority: RCW 18.85.040(1). 03-14-020, § 308-124H-061, filed 6/20/03, effective 7/21/03; 02-03-056, § 308-124H-061, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-061, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB

6284. 95-03-012, § 308-124H-061, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-061, filed 4/20/90, effective 8/1/90.]

Chapter 308-125 WAC
REAL ESTATE APPRAISERS

WAC

308-125-090 Continuing education required.

WAC 308-125-090 Continuing education required. (1) As a prerequisite to renewal of certification or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty-eight hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification or licensure immediately preceding renewal. An applicant shall not receive credit in consecutive renewals for courses that have the same or very similar content and are deemed comparable by the department. The holder of a certificate or license will present evidence of successful completion of the seven-hour National USPAP update course or its equivalent, or the fifteen-hour National USPAP course every renewal.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours. The exception is the fifteen-hour Uniform Standards of Professional Appraisal Practice (USPAP) course when required by the course provider.

(5) The requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials.

(6) Courses or seminars taken to satisfy the continuing education requirement for general real estate appraisers, should include coverage of real estate appraisal related topics, such as:

(a) Ad valorem taxation.
(b) Arbitrations.
(c) Business courses related to practice of real estate.
(d) Construction estimating.
(e) Ethics and standards of professional practice.
(f) Land use planning, zoning, and taxation.
(g) Management, leasing, brokerage, timesharing.
(h) Property development.
(i) Real estate appraisal (valuations/evaluations).
(j) Real estate financing and investment.
(k) Real estate law.
(l) Real estate litigation.
(m) Real estate related computer applications.
(n) Real estate securities and syndication.
(o) Real property exchange.
(p) Such other presentations approved by the director.

(7) Courses or seminars taken to satisfy the continuing education requirement for residential real estate appraisers should include coverage of real estate appraisal related topics, such as:

(a) Ad valorem taxation.
(b) Business courses related to practice of real estate.
(c) Construction estimation.
(d) Ethics and standards of professional practice.
(e) Land use planning, zoning, taxation.
(f) Property development.
(g) Real estate financing and investment.
(h) Real estate law.
(i) Real estate related computer applications.
(j) Real estate securities and syndication.
(k) Real property exchange.
(l) Real estate feasibility and marketability studies.
(m) Such other presentations approved by the director.
(n) Real estate securities and syndication.
(o) Real estate property exchange.
(p) Such other presentations approved by the director.

(8) Courses or seminars taken to satisfy the continuing education requirement for licensed real estate appraisers should include coverage of real estate appraisal related topics, such as:

(a) Ad valorem taxation.
(b) Arbitration.
(c) Business courses related to practice of real estate appraisal.
(d) Construction estimating.
(e) Ethics and standards of professional practice.
(f) Land use planning, zoning, and taxation.
(g) Management, leasing brokerage, timesharing.
(h) Property development.
(i) Real estate appraisal (valuations/evaluations).
(j) Real estate law.
(k) Real estate litigation.
(l) Real estate financing and investment.
(m) Real estate appraisal related computer applications.
(n) Real estate securities and syndication.
(o) Real property exchange.
(p) Such other presentations approved by the director.

[Statutory Authority: RCW 18.140.030(8). 03-14-091, § 308-125-090, filed 6/30/03, effective 7/31/03; 99-11-039, § 308-125-090, filed 5/14/99, effective 6/14/99. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-090, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-090, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-090, filed 2/5/91, effective 3/8/91.]

Chapter 308-129 WAC
SELLERS OF TRAVEL

WAC

308-129-100 Applications—Conditions.

WAC 308-129-100 Applications—Conditions. Any person desiring to be registered as a seller of travel shall submit with the application form:

(1) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted

in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(2) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(3) In lieu of the CPA/LPA/bank officer report required by RCW 19.138.110(5), an applicant may submit an affidavit or declaration signed under penalty of perjury setting out the information required by RCW 19.138.110(5).

(4) Applicants who certify under penalty of perjury that they do not hold for more than five business days any non-exempt funds received from any person or entity for retail travel services shall not be required to report or maintain a trust account or other approved account under RCW 19.138.110(5).

(5) A seller of travel applying to be licensed under chapter 19.138 RCW may submit a surety bond as described in RCW 19.138.140 (7)(a)(i) or other instrument approved by the department as described in RCW 19.138.140 (7)(a)(iv). The amount of the surety bond or other approved instrument shall be based upon the prior year's annual gross income of business conducted as outlined in the following scale:

Annual Gross Income of Business Conducted:	Amount of Surety Bond or other instrument approved by the department:
$199,999 and under	$10,000
$200,000 through $499,999	$20,000
$500,000 through $749,999	$30,000
$750,000 through $999,999	$40,000
$1,000,000 and above	$50,000

(6) Sellers of travel companies upon application and renewal shall attest to their gross annual income of business conducted on a form provided by the department.

[Statutory Authority: RCW 19.138.170 and 43.24.023. 03-03-055, § 308-129-100, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.138.170(1). 00-11-047, § 308-129-100, filed 5/12/00, effective 6/12/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-100, filed 7/2/96, effective 8/2/96.]

Chapter 308-420 WAC

CAMPING RESORTS—CONTRACTS—RESALE, ETC.

WAC

308-420-010 Repealed.
308-420-020 Definitions.
308-420-050 Exemptions from registration—Noncommercial resale contract offerings.
308-420-060 Statement of record—Filings and information required upon application for registration of start up camping resort projects and contract offerings.
308-420-070 The public offering statement—Form, content, and preparation.
308-420-080 Repealed.
308-420-090 The public offering statement—Delivery to prospective purchasers.
308-420-100 Purchaser cancellations of contracts—Prompt refund of funds and consideration.
308-420-130 Repealed.
308-420-140 Receipt of written disclosures.
308-420-190 Renewals.
308-420-200 Salesperson registrations.
308-420-210 Request for withdrawal of camping resort property.
308-420-230 Rainchecks.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-420-010 Organization. [Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-010, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-005.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.

308-420-080 Signing of application and the permit. [Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-080, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-030.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.

308-420-130 Notice of termination of sales. [Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-130, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-060.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.

WAC 308-420-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-420-020 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Camping Resorts Act, (chapter 19.105 RCW).

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Camping resort" shall be synonymous with "camping club," or "camp resort" whether or not structured as or involved with a common-interest entity, provided the method of structuring the project meets the definition of "camping resort" in RCW 19.105.300(1).

(4) "Camping resort program" means the rights and obligations of a purchaser and the methods and procedures for occupying or using camping resort facilities and properties, as established by the purchase contract and other written instruments, such as covenants, declarations, bylaws or rules.

(5) "Camping resort project" shall mean a camping resort and all of its parks, sites, properties and facilities, that are part of the program in which a purchaser receives use, occupancy, membership, or ownership rights.

(6) "Public offering statement" shall mean the written disclosures referred to in RCW 19.105.320 (1)(b) and 19.105.370.

(7) "Statement of record" shall mean all materials, not exclusive of others, including application forms, documents, exhibits, statements, the public offering statement, correspondence, and affidavits, filed with the agency, for registration purposes.

(8) "Advance fees" shall mean fees, funds, or consideration of any description, collected for any purpose from buyers or sellers of resale camping resort contracts, prior to the time of settlement of a purchase transaction.

(9) "Prospective purchaser" shall mean any person attending a sales presentation or touring a camping resort when such attendance results from an operator's solicitation or advertising.

(10) "Right to use or multiple use camping resort" shall mean a camping resort where the fee title or leasehold interest to the land remains with the operator and memberships are sold in excess of one membership to each camping site and usage is subject to operator established rules.

(11) "Common-interest camping resort" shall mean a member-owned entity which has the fee title or leasehold

interest to the land in its own name and the memberships of the common interest entity are sold one membership to a specific camping site and the site usage is exclusive to the member.

(12) "Undivided interest camping resort" shall mean a camping resort entity which conveys the fee title or leasehold interest to the land to the member, and the memberships are sold in excess of one membership to each camping site and their usage is subject to the operator's established rules.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-020, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-020, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-015.]

WAC 308-420-050 Exemptions from registration—Noncommercial resale contract offerings. As provided in RCW 19.105.325(2), the director exempts from the registration requirements of chapter 19.105 RCW the offering and selling of resale camping resort contracts by a common interest entity, entirely owned and operated by the purchasers of the camping resort contracts, which markets no more than ten resale camping resort contracts during any one calendar year period, provided that any such offering or selling is noncommercial in nature and that registration is not necessary for the protection of purchasers. Noncommercial shall mean that the common-interest entity is not primarily in the business of offering or selling camping resort contracts.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-050, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-050, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-022.]

WAC 308-420-060 Statement of record—Filings and information required upon application for registration of start up camping resort projects and contract offerings. (1) An application for registration of a start up contract offering shall be made by completing forms prepared for such purpose by the agency.

(2) The application, documents and information filed for registration purposes shall be referred to as the statement of record.

(3) The statement of record for a registration of a start up contract offering shall include the following:

(a) The prescribed filing fee.

(b) The completed application forms.

(i) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(ii) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant or any of the applicant's affiliates as a party.

(c) The draft of the proposed public offering statement.

(d) A sample or prototype of any documents to be signed or initialed by and that commits purchasers. Such documents shall contain the cancellation notice required in RCW 19.105.390.

(e) Copies of all recorded or unrecorded encumbrances, mortgages, liens, deeds, leases, contracts, and any amendments thereto, that affect camping resort projects.

(f) A preliminary title report, dated within thirty days of application, covering all of the acreages, park sites, and areas on which facilities are located.

(g) Financial statements and information as required by WAC 308-420-110.

(h) If the registrant is other than a natural person, copies of relevant articles of incorporation, bylaws, partnership, or joint venture documentation.

(i) Promotional materials, including advertising and contract forms covering travel programs, discount programs, programs for the use or occupancy of in-park trailers or mobiles and those providing memberships in other recreational programs, if such materials or programs are to be utilized to promote sales of camping resort contracts or are to be offered to contract owners as part of the camping resort programs.

(j) Applications for and contracts of affiliation with any outside exchange or reciprocal-use entity.

(k) Whenever applicable to the structuring of the project, provide a copy or prototype of the following:

(i) Plats, maps, site plans, or surveys.

(ii) Water, sewerage, or land use authorizations or permits, or denial of permits of local jurisdictions.

(iii) Performance bonds, letters of credit, surety or guaranty agreements affecting the project or the program.

(iv) Trust or escrow arrangements affecting the project.

(v) Covenants or declarations affecting camping resort properties.

(vi) Agreements for the usage of amenities or facilities owned by persons other than operator.

(l) If the project involves a common-interest entity copies or prototypes of the following:

(i) Declaration and bylaws.

(ii) Rules and regulations.

(iii) Membership certificate and proxy forms.

(iv) Evidences of title to any personal property owned or to be owned by the association or purchasers collectively.

(v) Agreements for managing the properties.

(vi) Agreements for payment or subsidizing the payment of project operational expenses during the term of registrant marketing.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-060, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-060, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-025.]

WAC 308-420-070 The public offering statement—Form, content, and preparation. (1) The written disclosures provided for in RCW 19.105.320 (1)(b) and 19.105.370 shall be in a document to be known as the public offering statement.

(2) The public offering statement shall be prepared and promulgated in a form prescribed by the agency.

(3) Prior to approval of a registration or promulgation of the proposed public offering statement by the applicant, the applicant's draft for the public offering statement shall be reviewed by the agency to determine its completeness and accuracy.

(4) If the agency deems that sections or areas of the proposed public offering statement are incomplete, inaccurate, deceptive, or not presented in the proper format, the agency

shall reject the proposed public offering statement and return it to the applicant for correction of noted deficiencies.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-070, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-070, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-027.]

WAC 308-420-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-420-090 The public offering statement—Delivery to prospective purchasers. (1) The operator or its agents shall provide all prospective purchasers with the agency-registered public offering statement prior to the completion of a sales presentation or a camping resort tour whether or not such persons purchase a camping resort contract.

(2) Any person who requests of an operator or its agents, a public offering statement, shall be provided the public offering statement, whether or not such person has received a solicitation.

(3) Any prospective purchaser who attends a sales presentation or tour of a camping resort, upon request of the prospective purchaser, shall be given a copy or prototype of the operator's camping resort contract, which the prospective purchaser may retain, whether or not there has been an actual purchase made. No fee shall be charged for this document.

(4) No fee may be charged for the initial copy of the public offering statement provided persons. A fee covering the operator's actual costs for production of the document may be charged for additional copies.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-090, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-090, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-032.]

WAC 308-420-100 Purchaser cancellations of contracts—Prompt refund of funds and consideration. (1) "Promptly" with reference to the refund and return of a person's funds and consideration, referred to in RCW 19.105.390 shall be as follows:

(a) For cash, cashiers checks, money orders, credit card slips held and not processed and other similar consideration, the operator or its agents shall make refunds within ten business days of a demand.

(b) For credit card purchases where the operator has processed the credit card slip(s) to the care of the credit card company, the operator shall notify the credit card company of a credit to the account of the purchaser within three business days of a demand.

(c) Promissory notes and similar evidences of debt shall be voided and returned within three business days of demand.

(d) Within ten business days after demand, the operator or its agents shall give the purchaser evidence that the purchase commitment has been voided.

(2) No purchaser camping resort contract, promissory note or other evidences of debt may be sold, transferred, hypothecated or pledged by an operator until at least five business days after the termination of the statutory-prescribed cancellation term.

(3) No fees or charges may be made of a purchaser by an operator for use of written materials or camping resort facilities offered gratuitously prior to the cancellation request; however, nothing in this statement shall preclude an operator from requiring return of materials in the custody of a purchaser not including the public offering statement.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-100, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-100, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-035.]

WAC 308-420-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 308-420-140 Receipt of written disclosures. The camping resort operator or salesperson shall obtain from each person that tours a camping resort or attends a sales presentation, a signed statement evidencing receipt of the public offering statement. The operator shall retain each receipt for a period of at least three years from the date of signature thereon.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-140, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-140, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-070.]

WAC 308-420-190 Renewals. (1) Pursuant to RCW 19.105.420 an application for renewal shall be made on a form to be provided by the agency.

(2) It shall be the applicant's responsibility to procure forms and file them with the agency.

(3) The renewal application shall include the following:

(a) Affidavits by the operator stating whether or not there have been any changes in the information and documentation previously submitted for purposes of registration.

(b) Copies or prototypes of all amended, altered, or new documentation evidencing changes; the changes shall be underlined or referred to by footnotes.

(c) A draft of a proposed amended public offering statement evidencing changes; the changes shall be underlined or referred to by a cover letter calling the agency's attention to the proposed changes, additions to or deletions from the public offering statement previously accepted by the agency.

(d) A copy of all camping resort contract forms marked and underscored to reflect changes, additions or deletions.

(e) Financial statements and information as provided for in WAC 308-420-110 will be required to be submitted once every four years beginning from the original registration approval date or at any other time the department deems necessary to determine the financial stability of the company.

(f) Payment of fees as provided for in RCW 19.105.411.

(4) Failure of the renewal applicant to renew in a timely manner on or before the date of expiration, shall mean that the registration has expired. Upon expiration of registration the camping resort contracts are deemed not registered and the operator must register as a new applicant pursuant to the provisions of RCW 19.105.320 and WAC 308-420-060 and 308-420-070.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-190, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-190, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-115.]

WAC 308-420-200 Salesperson registrations. (1) Each applicant for registration as a camping resort salesperson shall register on a form prescribed by the agency and pay a filing fee as provided by the director.

(2) Registration as a camping resort salesperson shall be renewed annually or at the time the salesperson obtains employment by a camping resort operator subsequent to a termination of a employment by a camping resort operator, by the filing of a form prescribed by the agency and payment of the proscribed fee.

(3) The following information shall be provided on the original application or renewal of a camping resort salesperson's registration:

(a) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(b) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(4) Upon the occurrence of any material change in the information contained in the registrant's file, each salesperson registrant shall promptly file with the agency an amendment to the salesperson registration file stating the change(s). The following shall be material changes requiring notice to the agency:

No later than twenty business days, upon being named a defendant or a party in any administrative, civil or criminal proceeding, the salesperson applicant shall promptly provide to the agency a notice of the proceeding and a copy of the complaint.

(5) Each operator of a camping resort whose camping resort contracts are registered with the agency, shall upon the termination of employment of a camping resort salesperson provide the department with a notice of termination and to return to the department the salesperson registration within ten days of the termination.

(6) The operator is responsible for posting the salesperson registration visible to the public on the premises where the salesperson is employed.

(7) As a condition of continued registration the salesperson registrant shall comply with the following:

(a) During the entire term of the registration the registrant is to be employed or engaged by an operator that is registered with the agency as an offeror of camping resort contracts, and the salesperson shall be offering contracts on behalf of or in the employment of such operator-registrant. Upon termination of employment with a registered camping resort operator, the salesperson registration is deemed to have expired.

(b) The salesperson shall cooperate fully with the agency in any investigation of alleged violations by the registrant, salesperson, or others, of the Camping Resort Act or these rules.

(c) It shall not be represented to any prospective purchaser that there is any form of a membership resale program for membership contracts being offered by the operator of the camping resort unless the same be true.

(8) Applications for registration or renewal that are for any reason defective or that are not legible shall be returned and the application shall be deemed not filed until the form is received by the agency with the deficiencies corrected.

(9) An application for renewal of a salesperson registration not filed in a timely manner or not received or acted upon by the agency prior to the expiration date shall be deemed by the agency as having expired. The salesperson must thereafter register as a new applicant for registration. Salespersons who have failed to make timely renewal applications shall not engage in camping resort activities. It is the salesperson's responsibility to secure the necessary forms and renew a registration in a timely manner. The agency shall not be responsible for applications lost in the mail or not timely received for other reasons.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-200, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-200, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-122.]

WAC 308-420-210 Request for withdrawal of camping resort property. A camping resort operator may request written approval from the director for authority to withdraw any substantial camping or recreation portion of any camping resort property devoted to camping or recreational activities pursuant to RCW 19.105.380 (1)(q)(iv) by filing with the director a request ninety days before the intended withdrawal date or such lesser time as the director may allow identifying the portion of the property to be withdrawn and stating the reasons for such withdrawal accompanied by copies of any materials or data supporting such reasons or the necessity for such withdrawal.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-210, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-210, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-130.]

WAC 308-420-230 Rainchecks. (1) In the event rainchecks, in lieu of an offered item are provided to recipients, a report will be due to the agency by the 10th of each month, listing all rainchecks outstanding as of the last day of the preceding month and indicating deliveries of any previously reported rainchecked items.

(2) All gifts, prizes, awards, sweepstakes, premiums, free items or other items, with the exception of the major incentives with odds of 1:1,000 or greater must be available for display to the recipient prior to the sales presentation. In the event rainchecks are to be presented, this fact must be announced prior to the tour or sales presentation.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-230, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-230, filed 12/17/90, effective 1/17/91.]

Title 314 WAC
LIQUOR CONTROL BOARD

Chapters

314-12 General—Applicable to all licensees.
314-29 Hearings.

Chapter 314-12 WAC
GENERAL—APPLICABLE TO ALL LICENSEES

WAC

314-12-170 Repealed.
314-12-180 Repealed.
314-12-300 Repealed.
314-12-310 Repealed.
314-12-320 Repealed.
314-12-330 Repealed.
314-12-340 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-12-170 What are the penalties if a retail liquor licensee violates the liquor laws or rules? [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-170, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 66.08.030. 95-05-006, § 314-12-170, filed 2/1/95, effective 3/4/95. Statutory Authority: RCW 66.08.030 and 66.98.070. 88-17-023 (Order 258, Resolution No. 267), § 314-12-170, filed 8/10/88; 84-17-117 (Order 148, Resolution No. 157), § 314-12-170, filed 8/22/84.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

314-12-180 Suspension notices, posting or advertising of—Other—Closing notices prohibited. [Statutory Authority: RCW 66.08.010. 92-21-059, § 314-12-180, filed 10/19/92, effective 11/19/92.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

314-12-300 Group One (1) violations against public safety. [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-300, filed 1/13/99, effective 2/13/99.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

314-12-310 Group Two (2) offenses—Conduct violations. [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-310, filed 1/13/99, effective 2/13/99.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

314-12-320 Group Three (3) offenses—Regulatory violations. [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-320, filed 1/13/99, effective 2/13/99.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

314-12-330 Can the board impose sanctions or penalties other than those indicated in WAC 314-12-170? [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-330, filed 1/13/99, effective 2/13/99.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

314-12-340 What are some examples of mitigating and aggravating circumstances? [Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-340, filed 1/13/99, effective 2/13/99.] Repealed by 03-09-015, filed 4/4/03, effective 5/5/03. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. Later promulgation, see chapter 314-29 WAC.

WAC 314-12-170 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-180 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-320 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-330 Repealed. See Disposition Table at beginning of this chapter.

WAC 314-12-340 Repealed. See Disposition Table at beginning of this chapter.

Chapter 314-29 WAC
HEARINGS

WAC

314-29-003 Purpose.
314-29-015 What are the penalties if a liquor license holder violates a liquor law or rule?
314-29-020 Group 1 violations against public safety.
314-29-025 Group 2 conduct violations.
314-29-030 Group 3 regulatory violations.
314-29-035 Group 4 violations.
314-29-040 Information about liquor license suspensions.

WAC 314-29-003 Purpose. The purpose of chapter 314-29 WAC is to outline what a liquor licensee can expect if a licensee or employee violates a liquor control board law or rule.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-003, filed 4/4/03, effective 5/5/03.]

WAC 314-29-015 What are the penalties if a liquor license holder violates a liquor law or rule? (1) The purpose of WAC 314-29-015 through 314-29-040 is to outline what penalty a liquor licensee can expect if a licensee or employee violates a liquor control board law or rule (the penalty guidelines for mandatory alcohol server training permit holders are in WAC 314-17-100 through 314-17-110).

(2) Penalties for violations by liquor licensees or employees are broken down into four categories:

(a) Group One—Public safety violations, WAC 314-29-020.

(b) Group Two—Conduct violations, WAC 314-29-025.

(c) Group Three—Regulatory violations, WAC 314-29-030.

(d) Group Four—Violations involving the manufacture, supply, and/or distribution of liquor by nonretail licensees and prohibited practices between nonretail licensees and retail licensees, WAC 314-29-035.

(3) For the purposes of chapter 314-29 WAC, a two year window for violations is measured from the date one violation occurred to the date a subsequent violation occurred.

(4) The following schedules are meant to serve as guidelines. Based on mitigating or aggravating circumstances, the liquor control board may impose a different penalty than the standard penalties outlined in these schedules.

(a) Mitigating circumstances	(b) Aggravating circumstances
Examples of mitigating circumstances that may result in a fewer number of days of suspension or a lower monetary option include, but are not limited to, having in place business policies and practices such as: • Using licensee certification cards that are correctly filled out and filed; • Having direct on-site supervision of employees; • Having a signed acknowledgment of the business' alcohol policy on file for each employee; • Having an employee training plan that includes annual training on liquor laws; • Showing cooperation with local law enforcement; etc.	Examples of aggravating circumstances that may result in a higher number of days of suspension, a higher monetary option, or cancellation of a liquor license include, but are not limited to: • Failing to cooperate with local law enforcement or liquor control board employees; • Not calling for local law enforcement when requested by a customer or liquor control board agent; • Not checking to ensure employees are of legal age or have appropriate work permits; • Committing the violation willfully; etc.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-015, filed 4/4/03, effective 5/5/03.]

WAC 314-29-020 Group 1 violations against public safety. Group 1 violations are considered the most serious because they present a direct threat to public safety.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Sale or service to minor: Sale or service of alcohol to a person under 21 years of age.	5 day suspension or $500 monetary option	7 day suspension with no monetary option	30 day suspension with no monetary option	Cancellation of license
Minor frequenting a tavern, lounge, or other age restricted area.	5 day suspension or $500 monetary option	7 day suspension with no monetary option	30 day suspension with no monetary option	Cancellation of license
Sale or service to apparently intoxicated person: Sale or service of alcohol to, or permitting consumption or possession by, an apparently intoxicated person.	5 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	Cancellation of license
Disorderly conduct by licensee or employee, or permitting on premises.	5 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	Cancellation of license
Criminal conduct: Permitting or engaging in criminal conduct.	5 day suspension or $500 monetary option	7 day suspension with no monetary option	30 day suspension with no monetary option	Cancellation of license

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-020, filed 4/4/03, effective 5/5/03.]

WAC 314-29-025 Group 2 conduct violations. Group 2 violations are violations involving conduct of retail or nonretail licensee, employees, or patrons.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Misuse or unauthorized use of liquor license.	5 day suspension or $1,500 monetary option	Cancellation of license	Cancellation of license	Cancellation of license
Sale of alcohol in violation of a board-approved alcohol impact area restriction.	5 day suspension or $500 monetary option	7 day suspension or $1,500 monetary option	10 day suspension with no monetary option	Cancellation of license
Employee under legal age or without required mandatory alcohol server training permit.	5 day suspension or $250 monetary option	5 day suspension or $1,500 monetary option	10 day suspension or $3,000 monetary option	Cancellation of license
Hours of service: Sales, service, removal, or consumption of alcohol between 2:00 a.m. and 6:00 a.m.	5 day suspension or $250 monetary option	5 day suspension or $1,500 monetary option	10 day suspension or $3,000 monetary option	Cancellation of license
Food service: Required food service not available.	5 day suspension or $250 monetary option	5 day suspension or $1,500 monetary option	10 day suspension or $3,000 monetary option	Cancellation of license

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Substituting, tampering, unlawful removal, possession, or unauthorized sale of liquor.	5 day suspension or $250 monetary option	5 day suspension or $1,500 monetary option	10 day suspension or $3,000 monetary option	Cancellation of license
Lewd conduct: Engaging in or permitting conduct in violation of WAC 314-11-050.	5 day suspension or $250 monetary option	5 day suspension or $1,500 monetary option	10 day suspension or $3,000 monetary option	Cancellation of license
Inspections: Refusing to allow inspection(s) by law enforcement.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Retailer/nonretailer violation: Violation on the part of a retail licensee that involves a nonretail licensee, other than group four violations.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-025, filed 4/4/03, effective 5/5/03.]

WAC 314-29-030 Group 3 regulatory violations. Group 3 violations are violations involving administrative requirements.

Violation Type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Keg registration: Failure to properly register kegs.	5 day suspension or $500 monetary option	5 day suspension or $1,000 monetary option	10 day suspension or $1,500 monetary option	20 day suspension with no monetary option
Signs: Failure to post required signs.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Records: Improper record keeping.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Advertising: Advertising violations other than those involving prohibited practices between a nonretail and a retail licensee.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Inventory: Inventory below required amount.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Unauthorized alterations, change of trade name, or added activity.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Lighting: Inadequate lighting.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option
Liquor purchased from unauthorized source or sale below cost in violation of liquor law or rule.	5 day suspension or $100 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension with no monetary option

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-030, filed 4/4/03, effective 5/5/03.]

WAC 314-29-035 Group 4 violations. Group 4 violations are violations involving the manufacture, supply, and/or distribution of liquor by nonretail licensees and prohibited practices between a nonretail licensee and a retail licensee.

Violation type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Providing credit to a retail licensee.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option

Violation type	1st Violation	2nd Violation in a two-year window	3rd Violation in a two-year window	4th Violation in a two-year window
Quantity discount.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Giving away liquor in violation of liquor law or rule.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Consignment sales/ return of product in violation of liquor law or rule.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Advertising violations involving prohibited practices between a nonretail and a retail licensee.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Price posting/labeling/ packaging violations.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Agents violations: Nonretail licensee employing an unlicensed agent.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Unauthorized product/ unapproved storage or delivery.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Sampling/tasting violations.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Entertainment/instruction/meeting/trade show violations.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Providing money or money's worth less than $100.	3 day suspension or $250 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension or $2,000 monetary option
Providing/accepting money or money's worth: Goods or services worth $100 to $1,000.	3 day suspension or $500 monetary option	5 day suspension or $2,500 monetary option	10 day suspension or $5,000 monetary option	20 day suspension or $10,000 monetary option
Providing/accepting money or money's worth: Goods or services worth over $1,000.	Cost of item or service provided plus: 3 day suspension or $1,000 monetary option	Cost of item or service provided plus: 5 day suspension or $2,500 monetary option	Cost of item or service provided plus: 10 day suspension or $5,000 monetary option	Cost of item or service provided plus: 20 day suspension or $10,000 monetary option
Providing/accepting exclusive or contingency agreements.	3 day suspension or $1,000 monetary option	10 day suspension or $6,000 monetary option	20 day suspension or $12,000 monetary option	30 day suspension or $20,000 monetary option
Unauthorized interest or ownership in retail license.	3 day suspension or $1,000 monetary option	30 day suspension or $20,000 monetary option	Cancellation of license	
Failure to obtain surety bond/savings account, if required by the board.	Immediate suspension of license until surety bond has been obtained and all missing reports are filed and late taxes are paid.			
Failure to file tax/shipment report.	3 day suspension or $250 monetary option	5 day suspension or $500 monetary option	10 day suspension or $1,000 monetary option	20 day suspension or $2,000 monetary option

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-035, filed 4/4/03, effective 5/5/03.]

WAC 314-29-040 Information about liquor license suspensions. (1) On the date a liquor license suspension goes into effect, a liquor control agent will post a suspension notice in a conspicuous place on or about the licensed premises. This notice will state that the license has been suspended by order of the liquor control board due to a violation of a board law or rule.

(2) During the period of liquor license suspension, the licensee and employees:

(a) Are required to maintain compliance with all applicable liquor laws and rules;

(b) May not remove, alter, or cover the posted suspension notice, and may not permit another person to do so;

(c) May not place or permit the placement of any statement on the licensed premises indicating that the premises have been closed for any reason other than as stated in the suspension notice (see WAC 314-01-005 for the definition of "licensed premises").

(d) May not advertise by any means that the licensed premises is closed for any reason other than as stated in the liquor control board's suspension notice.

(3) During the period of liquor license suspension:

(a) A retail liquor licensee may operate his/her business provided there is no sale, delivery, service, consumption, removal, or receipt of liquor. No banquet permit or special occasion function may be held on the premises during a period of liquor license suspension.

(b) A nonretail licensee may operate his/her business provided there is no sale, delivery, service, consumption, removal, or receipt of liquor.

(c) A manufacturer of alcohol may do whatever is necessary as a part of the manufacturing process to keep current stock that is on hand at the time of the suspension from spoiling or becoming unsaleable during a suspension, provided it does not include bottling the product. The manufacturer may not receive any agricultural products used in the production of alcohol, crush fruit, or bottle alcohol during the period of suspension.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 03-09-015, § 314-29-040, filed 4/4/03, effective 5/5/03.]

Title 315 WAC
LOTTERY COMMISSION

Chapters

315-04 Licensing procedure.
315-34 Lotto 6 of 49 rules.

Chapter 315-04 WAC
LICENSING PROCEDURE

WAC

315-04-065 Promotional license.

WAC 315-04-065 Promotional license. (1) The director may issue a promotional license for a marketing promotion for a period not exceeding one hundred eighty days for the sale of scratch and/or on-line game tickets.

(2) The director may establish financial and criminal history or other criteria for the issuance of a promotional license based on the duration of the promotion and the variety and quantity of tickets to be sold by the applicant.

(3) The director may waive any license fees or charges in issuing a promotional license and may establish procedures to streamline payments by promotional retailers to the lottery.

(4) Any retailer issued a promotional license must apply for and be issued a provisional/general license as set forth in chapter 315-04 WAC and lottery policy in order to continue to sell lottery tickets after the expiration of his/her promotional license.

[Statutory Authority: RCW 67.70.040(1). 03-11-054, § 315-04-065, filed 5/19/03, effective 6/19/03.]

Chapter 315-34 WAC
LOTTO 6 OF 49 RULES

WAC

315-34-040 Prizes for Lotto.

WAC 315-34-040 Prize[d][s] for Lotto. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, third[,] and [fourth] prize categories are as follows:

WINNING COMBINATIONS	PRIZE CATEGORIES	PRIZE AMOUNTS	ODDS OF WINNING (ONE PLAY)
All six winner [winning] numbers in one play	First Prize	Jackpot	1:6,991,908
Any five but not six winning numbers in one play	Second Prize	$1,000	1:27,100
Any four but not five or six winning numbers in one play	Third Prize	[$30]	1:516
Any three but not four, five or six winning numbers in one play	Fourth Prize	$3	1:28

(2) Prize amounts.

(a) First prize (jackpot). The first prize will be the amount announced by the director as the Lotto jackpot. The jackpot will be divided equally among all players who selected all six winning numbers in one play (in any sequence).

(b) Second prize. The second prize will be $1,000, which will be paid to each player who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. The third prize will be $30, which will be paid to each player who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. A $3.00 prize is to be paid to each player who selected three of the six winning numbers in one play (in any sequence).

(e) The holder of a winning ticket may win only one prize per play in connection with the winning numbers drawn and shall be entitled only to the highest prize category won by those numbers.

(f) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing

in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

[Statutory Authority: RCW 67.70.040. 03-23-097, § 315-34-040, filed 11/17/03, effective 11/17/03; 01-17-022, § 315-34-040, filed 8/6/01, effective 9/6/01; 97-24-076, § 315-34-040, filed 12/2/97, effective 1/2/98; 96-15-054, § 315-34-040, filed 7/15/96, effective 8/15/96; 94-07-029, § 315-34-040, filed 3/8/94, effective 4/8/94; 93-03-008, § 315-34-040, filed 1/8/93, effective 2/8/93; 92-11-033, § 315-34-040, filed 5/15/92, effective 6/15/92; 92-07-014, § 315-34-040, filed 3/6/92, effective 4/6/92; 90-19-048, § 315-34-040, filed 9/14/90, effective 10/15/90.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Title 316 WAC

MARINE EMPLOYEES' COMMISSION

Chapters

316-45 **Unfair labor practice case rules.**
316-55 **Marine employees' impasse resolution rules.**

Chapter 316-45 WAC
UNFAIR LABOR PRACTICE CASE RULES

WAC

316-45-001 Scope—Contents—Other rules.
316-45-003 Unfair labor practices—Defined.
316-45-010 Complaint charging unfair labor practices—Who may file.
316-45-020 Unfair labor practice complaint—Time limitations.
316-45-030 Complaint—Number of copies—Filing—Service.
316-45-050 Contents of complaint charging unfair labor practices.
316-45-110 Initial processing of complaint.
316-45-130 Examiner—Who may act.
316-45-150 Authority of examiner.
316-45-170 Notice of hearing.
316-45-190 Answer—Filing and service.
316-45-210 Answer—Contents and effect of failure to answer.
316-45-230 Amendment of answer.
316-45-250 Motion to make complaint more definite and certain.
316-45-270 Hearings—Nature and scope.
316-45-290 Briefs and proposed findings.
316-45-310 Unfair labor practice—Decision.
316-45-330 Withdrawal or modification of examiner decision.
316-45-350 Petition for review of examiner decision.
316-45-370 Filing and service of cross-petition for review.
316-45-390 Commission action.
316-45-410 Unfair labor practice remedies.
316-45-430 Motion for temporary relief.
316-45-550 Collective bargaining—Mandatory subjects.

WAC 316-45-001 Scope—Contents—Other rules. This chapter directs proceedings before the marine employees' commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules adopted by the chief administrative law judge outlining the conduct of adjudicative proceedings under chapter 316-45 WAC, except:

(a) WAC 10-08-035, which is replaced by detailed requirements in WAC 316-45-050;

(b) WAC 10-08-211, which is replaced by WAC 316-45-350 and 316-45-370; and

(c) WAC 10-08-230, which is replaced by WAC 316-45-070, 316-45-090, and 316-45-260.

(2) Chapter 316-02 WAC, which lists rules of practice and procedure which apply to all types of proceedings before the marine employees' commission.

(3) Chapter 316-25 WAC, which lists rules about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(4) Chapter 316-35 WAC, which lists rules about petitions for clarification of existing ferry system employees' bargaining units.

(5) Chapter 316-55 WAC, which lists rules about resolution of impasses occurring in ferry system collective bargaining.

(6) Chapter 316-65 WAC, which lists rules about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(7) Chapter 316-75 WAC, which lists rules about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(8) Chapter 316-85 WAC, which lists rules about surveys of compensation, benefits and conditions of employment required by chapter 47.64 RCW.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-001, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-001, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-001, filed 3/20/84.]

WAC 316-45-003 Unfair labor practices—Defined. (1) It is an unfair labor practice for ferry system management or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by chapter 47.64 RCW;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: Provided, That subject to rules made by the commission pursuant to RCW 47.64.130 and 47.64.280 an employer is not prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: Provided, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because the employee has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: Provided, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of employees subject to RCW 47.64.170.

(3) The rights guaranteed by chapter 47.64 RCW include:

(a) The right of self-organization, including the right to form, join, or assist a labor organization;

(b) The right to bargain collectively through a representative freely chosen by the employees themselves;

(c) The right to engage in other concerted activities for collective bargaining or for mutual aid or protection; and

(d) The right to refrain from concerted activity. The right to refrain from concerted activities is limited to the extent that lawful union security agreements may be enforced.

(4) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, will not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-003, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 92-22-044, § 316-45-003, filed 10/27/92, effective 11/27/92. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-003, filed 12/20/89, effective 1/20/90.]

WAC 316-45-010 Complaint charging unfair labor practices—Who may file. A complaint charging that any person has taken part in or is taking part in an unfair labor practice, from now on called a "complaint," may be filed by any employee, group of employees, employee organization, the department of transportation, or their agents.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-010, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-010, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-010, filed 3/20/84.]

WAC 316-45-020 Unfair labor practice complaint—Time limitations. (1) A complaint charging an unfair labor practice may not be filed later than one hundred eighty calendar days after the party filing the complaint knew or should have known of the event, activity, or practice alleged to be a violation of RCW 47.64.130, or the regulations implementing that statute. For the purpose of computing timeliness, each event, activity, or practice in an alleged series of events, activities or practices will be construed as separate, provided that only those events, activities or practices occurring within the one hundred eighty days before the filing of the complaint may be remedied by the commission.

(2) Where an alleged violation of RCW 47.64.130, or the regulations implementing that statute, is also alleged to be a violation of a collective bargaining agreement and the matter is being actively pursued through the grievance and arbitration procedure of the collective bargaining agreement, the commission may hold the unfair labor practice in abeyance pending the outcome of the grievance and arbitration procedure. If the commission then determines that the grievance and arbitration procedure has satisfactorily resolved the entire matter or any portion of it, the commission may defer to that decision and dismiss the entire unfair labor practice complaint or that portion of it that has been resolved to the satisfaction of the commission. Otherwise, the commission will resume processing the unfair labor practice complaint or any portion of it that has not been resolved to the satisfaction of the commission.

(3) The limitation period specified in subsection (1) of this section may be tolled where the charging party did not have actual or constructive knowledge of the alleged unfair labor practice. In the case where the respondent has engaged in fraudulent concealment and/or deception as to its unlawful conduct, the commission may determine the limitation tolled, both as to the filing of the complaint and as to the remedy.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-020, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 92-22-044, § 316-45-020, filed 10/27/92, effective 11/27/92.]

WAC 316-45-030 Complaint—Number of copies—Filing—Service. Charges must be in writing, on a complaint of unfair labor practices form. The original copy of the complaint must be filed with the commission at its Olympia office. The party filing the complaint must also serve a copy on each party named as a respondent.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-030, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-030, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-030, filed 3/20/84.]

WAC 316-45-050 Contents of complaint charging unfair labor practices. Each complaint must contain, in separate numbered paragraphs:

(1) The name and address of the party filing the complaint, from now on called the complainant, and the name, address and telephone number of its principal representative.

(2) The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, from now on called the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s).

(3) Clear and concise statements of the facts about the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(4) A listing of the subsections of RCW 47.64.130 and/or WAC 316-45-003 alleged to have been violated,

along with a statement of which alleged facts provide evidence of that alleged violation of the identified subsections.

(5) A statement of the remedy wanted by the complainant.

(6) The signature and, if any, the title of the person filing the complaint.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-050, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-050, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-050, filed 3/20/84.]

WAC 316-45-110 Initial processing of complaint. The commission or an assigned commissioner will determine whether the facts as alleged may constitute an unfair labor practice within the meaning of RCW 47.64.130 and WAC 316-45-003. If it is determined that the alleged facts do not, as a matter of law, constitute a violation, the commission or commissioner will issue and will serve on all parties an order of dismissal explaining the reasons for the dismissal; otherwise, the commission or commissioner will have the contents of the charge issued and served as a complaint of unfair labor practices. An order of dismissal issued in accordance with this section by an examiner other than the commission will be subject to a petition for review as provided in WAC 316-45-350.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-110, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-110, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.260 and chapter 47.64 RCW. 88-10-019 (Order 88-1), § 316-45-110, filed 4/29/88. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-110, filed 3/20/84.]

WAC 316-45-130 Examiner—Who may act. The examiner may be the commission or a member of the commission designated by the commission. After notifying all parties, an examiner may be substituted for the examiner previously presiding.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-130, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-130, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-130, filed 3/20/84.]

WAC 316-45-150 Authority of examiner. The examiner has the authority:

(1) To administer oaths and affirmations;

(2) To issue subpoenas in the name of the commission;

(3) To rule upon objections to evidence and offers of proof, receive relevant evidence and to exclude irrelevant, immaterial or unduly repetitious evidence;

(4) To question witnesses;

(5) To regulate the time, place, and course of the hearing;

(6) To dispose of procedural requests or other similar matters;

(7) To hold conferences for the settlement, simplification or adjustment of issues;

(8) To make and issue findings of fact, conclusions of law and orders;

(9) To take any other action authorized by these rules.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-150, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-150, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-150, filed 3/20/84.]

WAC 316-45-170 Notice of hearing. WAC 316-02-170 aside, at least twenty days before a hearing, the examiner will issue and serve on the parties a notice of hearing at a specific time and place. A copy of the complaint (as approved under WAC 316-45-100) will be attached to the notice of hearing. The notice of hearing will specify the date for the filing of an answer, which must be not less than ten days before the date set for hearing. Notices of hearing may be amended or withdrawn before the close of the hearing.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-170, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-170, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-170, filed 3/20/84.]

WAC 316-45-190 Answer—Filing and service. Before or on the date specified in the hearing notice, each respondent will file the original copy of its answer to the complaint with the commission, and serve a copy on the complainant.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-190, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-190, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-190, filed 3/20/84.]

WAC 316-45-210 Answer—Contents and effect of failure to answer. An answer filed by a respondent must specifically admit, deny or explain each of the facts alleged in the complaint, unless the respondent is without knowledge, in which case the respondent will state so, with that statement operating as a denial. If a respondent fails to file an answer, or fails to specifically deny or explain in the answer a fact alleged in the complaint (except for good cause shown), the respondent will be deemed to have admitted the facts true as alleged in the complaint. The respondent will be deemed to have waived a hearing as to the admitted facts.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-210, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-210, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-210, filed 3/20/84.]

WAC 316-45-230 Amendment of answer. The respondent may amend its answer at any time prior to the hearing. During or after the hearing, the answer may be amended under such terms as are set by the examiner.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-230, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-230, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-230, filed 3/20/84.]

WAC 316-45-250 Motion to make complaint more definite and certain. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, file a motion requesting an order directing that the complaint be made more definite and certain. The motion will be filed with the

examiner and served by the respondent on the complainant and on any other parties. The filing of this motion extends the time during which the respondent must file and serve an answer until the date the commission or examiner sets. The commission or examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-250, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-250, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-250, filed 3/20/84.]

WAC 316-45-270 Hearings—Nature and scope. Hearings will be public and are adversary in nature. Hearings are limited to matters concerning the unfair labor practices alleged in the complaint. The complainant will prosecute its own complaint and has the burden of proof. It is the examiner's duty to ask about the full facts of whether the respondent has taken part or is taking part in an unfair labor practice, to obtain a clear and complete factual record on which the examiner and commission may fulfill their duties under these rules. The examiner's duty will not be seen as authorizing or requiring the examiner to prosecute the complainant's complaint or present the respondent's defense.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-270, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-270, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-270, filed 3/20/84.]

WAC 316-45-290 Briefs and proposed findings. Any party is entitled to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner, if requested before the close of the hearing. The commission or examiner may require the filing of briefs when he or she considers filing necessary due to the nature of the proceeding or of its particular issues. The original copy of a brief or proposed findings, conclusion and order is filed with the commission and a copy must be served on all other parties.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-290, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-290, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-290, filed 3/20/84.]

WAC 316-45-310 Unfair labor practice—Decision. After the hearing is over and all briefs are filed, the examiner makes a decision containing findings of fact, conclusions of law and order. If the examiner is a single member of the commission, he/she files the original decision with the commission and serves a copy on the parties. Any party may file a petition for review with the commission. If the full commission is the examiner, the decision and order are entered and served on all parties and the commission decision is final and binding upon the parties in accordance with RCW 47.64.280.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-310, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-310, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-310, filed 3/20/84.]

WAC 316-45-330 Withdrawal or modification of examiner decision. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within twenty days after issuing the decision, if any mistake is discovered or on grounds of newly discovered evidence which could not with reasonable care have been discovered and produced at the hearing. This section does not apply after the filing of a petition for review with the commission.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-330, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-330, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-330, filed 3/20/84.]

WAC 316-45-350 Petition for review of examiner decision. The examiner's findings of fact, conclusions of law and order are open to review by the commission on its own motion, or at the request of any party made within twenty days after the order's date of issue by the examiner. The original petition for review is to be filed with the commission at its Olympia office, and the party filing the petition must serve a copy on each of the other parties to the proceeding. A petition for review must contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review must have attached to it any appeal brief or written argument which the party filing the petition for review wants the commission to consider. Other parties to the proceeding will have fourteen days after the date on which they are served with a copy of the petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission or its appointee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. If no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner will automatically become the findings of fact, conclusions of law and order of the commission and will have the same force and effect as if issued by the commission.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-350, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-350, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-350, filed 3/20/84.]

WAC 316-45-370 Filing and service of cross-petition for review. Where a petition for review has been timely filed under WAC 316-45-350, a party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. The cross-petition will be filed and served in the same way as a petition for review. Deadlines for the submission of briefs or written arguments are extended by seven days when a cross-petition for review has been filed.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-370, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.-250. 90-01-118, § 316-45-370, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-370, filed 3/20/84.]

WAC 316-45-390 Commission action. On its own motion, or on the filing of a petition for review, the entire record in the proceeding is transferred to the commission, and from then on all motions and arguments are directed to the commission. The commission may request the parties appear before it to make oral arguments about certain issues or all of the issues in the matter. The commission will, on the basis of the record and any briefs or arguments submitted to it on review, determine the matter.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-390, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-390, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-390, filed 3/20/84.]

WAC 316-45-410 Unfair labor practice remedies. If upon the preponderance of evidence the commission or examiner will conclude that any person named in the complaint has engaged in or is engaging in any unfair labor practice, then the examiner or commissioner will state its findings of fact and cause to be served on such person an order requiring him or her to cease and desist from such unfair labor practice and to take such affirmative and corrective action as necessary to effectuate the policies of RCW 47.64.005 and 47.64.006, including but not limited to reinstatement of employees with or without back pay. In calculating back pay orders, the following will apply:

(1) Employee(s) reinstated to employment with back pay will have deducted from any amount due an amount equal to any earnings such employee(s) may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Employee(s) reinstated to employment with back pay will have deducted from any amount due an amount equal to any unemployment compensation benefits such employee(s) may have received during the period of the violation, and the employer will provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as credit to the benefit record of the employee(s).

(3) The commission has the discretion to make money amounts subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-410, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-410, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-410, filed 3/20/84.]

WAC 316-45-430 Motion for temporary relief. In addition to the remedies available under WAC 316-45-410, any complainant in an unfair labor practice proceeding may file a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions will be processed as provided in this section.

(1) The complainant will, at the time its complaint is filed or as soon thereafter as facts giving rise to the request for temporary relief become known, provide written notice to the commission of its intent to make a motion for temporary relief and will, at the same time, serve a copy of such notice on each of the other parties to the proceedings.

(2) When a notice of intent to make a motion for temporary relief is filed, the commission will expedite the processing of the matter under WAC 316-45-110.

(3) After the commission determines that the complaint states a cause of action, any complainant wanting temporary relief may file with the commission a motion for temporary relief together with affidavits about the risk of irreparable harm and the adequacy of legal remedies, and serve a copy of the motion and affidavits on all other parties to the proceedings. The other parties will have seven calendar days afterward to file and serve counter-affidavits.

(4) The commission determines whether an injunction pendente lite should be sought. When making that determination, the commission adheres to the following policy:

> "The name and authority of the marine employees' commission will not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 316-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the commission with the assistance of the attorney general, will petition the superior court of Thurston County or the county wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been obtained, the complaint which was the basis for such temporary relief will be heard expeditiously and the case given priority over all other cases except cases of like character.

(c) If the commission decides that temporary relief should not be sought before the conclusion of administrative proceedings in the matter, that determination does not bar renewal of the request for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-430, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-430, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-430, filed 3/20/84.]

WAC 316-45-550 Collective bargaining—Mandatory subjects. The determination of whether a particular subject is mandatory or nonmandatory is a question of law and fact to be determined by the commission. The issue is not subject to waiver by the parties by their action or inaction. It is the commission's policy that a party taking part in collective bargaining with respect to any particular issue does not and cannot confer the status of a mandatory subject on a nonmandatory subject.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-45-550, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280 and 34.05.250. 90-01-118, § 316-45-550, filed 12/20/89, effective 1/20/90. Statutory Authority: RCW 47.64.260 and chapter 47.64 RCW. 88-10-019

(Order 88-1), § 316-45-550, filed 4/29/88. Statutory Authority: RCW 47.64.280. 84-07-037 (Resolution No. 84-01), § 316-45-550, filed 3/20/84.]

Chapter 316-55 WAC

MARINE EMPLOYEES' IMPASSE RESOLUTION RULES

WAC

316-55-001 Scope—Contents—Other rules.
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316-55-600 Central filing of agreements.
316-55-700 Result of collective bargaining agreements—If budget or fares exceeded.
316-55-710 Collective bargaining agreements stayed.
316-55-730 Commission action.

WAC 316-55-001 Scope—Contents—Other rules. This chapter directs activities of and proceedings before the marine employees' commission relating to the resolution of impasses occurring in collective bargaining. This chapter does not reflect, and does not provide procedures for, direct involvement of the commission in the investigation and/or settlement of contested cases between parties. The assistance rendered by the commission to the parties at impasse during collective bargaining, and the commission's review of compliance with fiscal limitations are not adjudicatory in nature and are not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. Such assistance and/or review of compliance are considered to be ministerial acts prescribed by RCW 47.64.170 through 47.64.240. However, because the collective bargaining process is related to bargaining unit recognition and clarification, to fair representation of ferry employees, to alleviation of ferry employee grievances, and to fact-finding survey procedures and requests, the terms of this chapter should be read together with the terms of:

(1) Chapter 316-02 WAC, which lists rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(2) Chapter 316-25 WAC, which lists rules about proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which lists rules about proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which lists rules about proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-65 WAC, which lists rules about arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(6) Chapter 316-75 WAC, which lists rules about determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(7) Chapter 316-85 WAC, which lists rules about fact-finding surveys of compensation, benefits, and conditions of employment.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-001, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-001, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-001, filed 3/20/84.]

WAC 316-55-005 Impasse procedures—Duty to adopt. As the first step in the performance of their duty to bargain, the ferry system management and the ferry employee organization will endeavor to agree upon impasse procedures. Such agreement shall provide for implementation of those impasse procedures not later than July 1 in each odd-numbered year following enactment of the biennial budget. If the parties fail to agree upon impasse procedures by July 1, the impasse procedures provided in WAC 316-55-010 through 316-55-600 will apply.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-005, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-005, filed 3/2/90, effective 4/2/90.]

WAC 316-55-010 Resolution of impasses—Request for mediation. When there is no impasse agreement between the parties, or either party fails to utilize the procedures of the impasse agreement by August 1 in each odd-numbered year, either party may make a request in writing to the marine employees' commission for mediation. A copy of the request is to be served on the other party.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-010, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-010, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-010, filed 3/20/84.]

WAC 316-55-020 Mediation request—Information required. The party or parties requesting mediation must provide the following information to the commission:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in the negotiations;

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) A clear and concise statement of the disputed issues and the parties' positions;

(4) A description of the size and composition of the bargaining unit involved;

(5) The expiration date of any collective bargaining agreement then in effect or recently expired;

(6) Any other relevant information; and

(7) The name, signature, and capacity of each officer, agent, attorney, or other individual acting for the filing party or parties.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-020, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, §

316-55-020, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-020, filed 3/20/84.]

WAC 316-55-030 Impasse resolution—Appointment of mediator. When a request for mediation is filed, the commission will appoint a qualified, impartial, and disinterested person to serve as mediator. If the parties have listed the names of one or more persons who are acceptable to both parties as mediator, then the commission shall consider their desires.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-030, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-030, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-030, filed 3/20/84.]

WAC 316-55-070 Impasse resolution—Function of mediator. The mediator's function is to bring the parties together to reach a settlement of the dispute. The mediator will meet with the parties or their representatives, or both, either jointly or separately, and will take appropriate steps to aid the parties in voluntarily resolving their differences and reaching an agreement. The mediator will not compel the parties to agree.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-070, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-070, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-070, filed 3/20/84.]

WAC 316-55-090 Impasse resolution—Confidential nature of function. Information disclosed by the parties to the mediator in confidence during the course of mediation will not be revealed by the mediator. Mediation meetings will be of an executive, private or nonpublic nature.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-090, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-090, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-090, filed 3/20/84.]

WAC 316-55-110 Impasse resolution—Dispute resolution panel. (1) The commission will put together and maintain a panel of qualified mediators/arbitrators and will make a list of members of that arbitration panel available to parties for their use in selecting a mediator, a neutral chairman for an arbitration panel, a grievance arbitrator, a fact-finder or an ad hoc interest arbitrator.

(2) Any person may apply for membership on the panel. Each applicant must submit a resume which includes but is not limited to:

(a) A list of the applicant's cases in the most recent two-year period, with dates, names and addresses of parties, issues involved, whether the applicant acted as advocate, mediator, or arbitrator and other pertinent information;

(b) Three of the applicant's grievance arbitration or interest arbitration awards, which can be provided to the parties selecting an arbitrator.

(c) Whether or not and in what capacity, within the past five years the applicant has been employed by the department of transportation or by an organization representing employees in the department;

(d) Whether or not and in what capacity within the past five years a close relative of the applicant has been employed by the department or by an organization representing employees in the department.

(3) Members of the panel are required to update their resumes every two years.

(4) When referring mediators/arbitrators from its dispute resolution panel to the parties, the commission will provide the parties with the background data submitted by the respective mediators/arbitrators in accordance with subsection (2) of this section. However, the commission is not responsible for the validity or accuracy of the data provided.

(5) The commission will maintain a log of those persons referred to the parties as a possible mediator or arbitrator or chairman of an arbitration panel under WAC 316-55-515(5), including dates, parties involved in the dispute, issues, whether or not the person was acceptable to the parties, was used as mediator or arbitrator, or was rejected. The log is to be available for public inspection.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-110, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-110, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-110, filed 3/20/84.]

WAC 316-55-120 Impasse resolution—Expenses. Each party will pay the expenses of presenting its own case and the expenses and fees of its member, if any, of an arbitration panel. The fees and expenses of a single arbitrator or of the chairman of an arbitration panel will be shared equally by the parties. Fees and expenses of witnesses will be paid by the party for whom they testify. Fees and expenses of persons called or subpoenaed by a single arbitrator or a chairman of a panel will be shared equally by the parties. Costs of meeting in a neutral site, of recording and transcription of proceedings, and of other necessary joint activities will be shared equally by the parties.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-120, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-120, filed 3/2/90, effective 4/2/90.]

WAC 316-55-130 Impasse resolution—Disclosure. Before accepting the appointment, or as soon as information raising a problem of appearance of fairness becomes known, a person serving in an impartial capacity in a dispute resolution proceeding under the jurisdiction of the commission must inform to the parties of any circumstances which may create an appearance of bias or which might disqualify him or her from serving in the impartial capacity. Employment of the person or any member of his or her immediate family by any party will be disqualifying. Each party to the proceeding will immediately notify the commission and the appointee or selectee whether it is willing to waive disqualification. If either party declines to waive the disqualification, the appointment will be vacated.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-130, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-130, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-130, filed 3/20/84.]

WAC 316-55-150 Impasse resolution—Vacancies. If any person serving in an impartial capacity in dispute resolution proceedings under the jurisdiction of the commission resigns, dies, withdraws, refuses or is unable to serve, or is or

becomes disqualified to perform the duties of the office, the commission or its appointee will declare the office vacant. The vacancy will be filled as provided in these rules.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-150, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-150, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-150, filed 3/20/84.]

WAC 316-55-160 Fact finding. Before collective bargaining, the commission will conduct a salary survey as required by RCW 47.64.220 in the manner and procedure described in chapter 316-85 WAC. The parties may request the commission make other findings of fact during bargaining or impasse. The obtained salary survey data is a public document.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-160, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-160, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-160, filed 3/20/84.]

WAC 316-55-170 Waiver of mediation and fact finding. By mutual agreement, the parties may waive mediation and fact finding and proceed with binding arbitration. This waiver must be in writing and signed by the representatives of the parties. If the parties waive mediation or fact finding, impasse resolution is to continue as described in WAC 316-55-500 et seq.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-170, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-170, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-170, filed 3/20/84.]

WAC 316-55-500 Binding arbitration. If impasse continues fourteen days after the mediator's appointment, or beyond any other date mutually agreed to by the parties, all impasse items will be submitted to arbitration. That arbitration will be binding upon the parties in accordance with RCW 47.64.240. The parties will notify the commission in writing. This notice must contain:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in the negotiations;

(2) The name and address of the employee organization party to the impasse and the name, address and telephone number of that party's principal representative in the negotiations;

(3) A clear and concise statement of the disputed issues and the parties' positions;

(4) A description of the size and composition of the bargaining unit involved;

(5) The expiration date of any collective bargaining agreement in effect at the time or recently expired;

(6) Any other relevant information; and

(7) The name, signature and capacity of each officer, agent, attorney or other representative acting for the filing party or parties.

The original notice must be filed with the commission at its Olympia office. The party filing the notice must serve a copy on each of the other parties to the impasse. Amendments to notices must be filed and served in the same manner as the original notice in the proceeding.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-500, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-500, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-500, filed 3/20/84.]

WAC 316-55-505 Final offer. In addition to the information required in WAC 316-55-500, each party will submit to the other party and to the arbitrator, if the arbitrator has been selected, within four days of arbitration request, a final offer on the impasse items with proof of service of a copy to the other party. Each party will submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached. Each party will also state the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by an arbitrator or panel of arbitrators. Unless clearly indicated otherwise, the word arbitrator will mean a single arbitrator or a panel of arbitrators impanelled in accordance with RCW 47.64.240 (4) and (5) and WAC 316-55-515.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-505, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-505, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-505, filed 3/20/84.]

WAC 316-55-510 Single arbitrator. The two parties may agree to submit their dispute to a single arbitrator. The full costs of arbitration under this procedure will be shared equally by the parties to the dispute.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-510, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-510, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-510, filed 3/20/84.]

WAC 316-55-515 Arbitration panel. If the parties cannot agree on an arbitrator within four days, an arbitration panel consisting of three members will be appointed in the following manner:

(1) One member will be appointed by the secretary of transportation;

(2) One member will be appointed by the ferry employee organization;

(3) One member will be appointed mutually by the members appointed by the secretary of transportation and the employee organization. The last member appointed will be the chairman of the arbitration panel;

(4) If the third member has not been selected within four days of notification as provided in subsection (3) of this section, the parties will notify the commission in accordance with WAC 316-55-500. A list of seven arbitrators will be submitted to the parties by the marine employees' commission immediately. The two arbitrators selected by ferry system management and the ferry employee organization will determine by lot which arbitrator will remove the first name from the list submitted by the commission. The second arbitrator and the first arbitrator will alternately remove one additional name until only one name remains. The person whose name remains will become the chairman of the arbitration panel and will call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. All contacts and/or arrangements between the parties and an arbitrator selected under this rule

will be the responsibility of the parties. In lieu of a list of seven nominees for the third member being submitted by the marine employees' commission, the parties may mutually agree to have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(5) No person will serve as an arbitrator in any proceeding in which he/she has any financial or personal interest in the result of the arbitration, unless the parties, in writing, waive such disqualification.

(6) No final award may be made by the panel until three arbitrators have been chosen.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-515, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-515, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-515, filed 3/20/84.]

WAC 316-55-517 Arbitration panel chairman—Qualifications—Replacement. When submitting names of persons to the parties from which the chairman of the arbitration panel will be selected under RCW 47.64.240 and WAC 316-55-515, the commission will furnish biographical information, background, qualifications and experience, including three arbitration awards required by WAC 316-55-110 (2)(b) and a list of cases where the person acted as advocate, or as mediator or arbitrator within the most recent two-year period, for each of the seven names supplied to the parties. If one or more of those named is unavailable to accept appointment as chairman of the arbitration panel, or must be disqualified, a substitute name(s) will be provided upon the joint request of the parties. If the parties reject all seven names and jointly request additional names, the commission will provide a second list.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-517, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-517, filed 3/2/90, effective 4/2/90.]

WAC 316-55-525 Conduct of interest arbitration. (1) Submission of the impasse items to the arbitration panel is limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award is restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(2) The arbitration panel will at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in chapter 47.64 RCW.

(3) From the time of appointment until the arbitration panel makes its final determination, there is to be no discussion concerning recommendations for settlement of the dispute by the members of the arbitration panel with parties other than those who are direct parties to the dispute. The arbitration panel may conduct formal or informal hearings to discuss offers submitted by both parties.

(4) The arbitration panel will consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable work but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(5) The chairman of the arbitration panel may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the arbitration panel.The chairman of the arbitration panel may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(6) A majority of the arbitration panel will within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(7) The selections by the arbitration panel and items agreed upon by the ferry system management and the employee organization will be deemed to be the collective bargaining agreement between the parties.

(8) The determination of the arbitration panel will be by majority vote and will be final and binding, subject to RCW 47.64.180 and 47.64.190. The arbitration panel will write an explanation for its selection and inform the parties of its decision.

(9) Two copies of the final award, including the written explanation required by subsection (8) of this section will be filed with the commission.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-525, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-525, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-525, filed 3/20/84.]

WAC 316-55-600 Central filing of agreements. The parties to collective bargaining agreements entered into as a result of collective bargaining in accordance with chapter 47.64 RCW will file two complete copies of their agreement with the commission.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-600, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-600, filed 3/2/90, effective 4/2/90; 84-07-037 (Resolution No. 84-01), § 316-55-600, filed 3/20/84.]

WAC 316-55-700 Result of collective bargaining agreements—If budget or fares exceeded. If the secretary of transportation finds that the cumulative fiscal requirements of all bargaining agreements and arbitration orders will exceed the budgetary and fare restrictions imposed by RCW 47.64.180, and so notifies the commission in accordance with RCW 47.64.190(3), the commission will review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with

RCW 47.64.180. The commission will determine, within fifteen days of receiving the secretary's request for review, by majority vote, whether or not the cumulative effect of all such agreements and orders exceeds the limitations of RCW 47.64.180.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-700, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-700, filed 3/2/90, effective 4/2/90.]

WAC 316-55-710 Collective bargaining agreements stayed. Whenever the secretary of transportation requests commission review under RCW 47.64.190, the effect of all agreements and arbitration orders will be stayed, pending the commission's final determination.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-710, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-710, filed 3/2/90, effective 4/2/90.]

WAC 316-55-730 Commission action. If the commission determines that the budget and fare limitations imposed by RCW 47.64.180 would be exceeded if all agreements and arbitration orders were given full force and effect, the commission will order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with RCW 47.64.180.

[Statutory Authority: RCW 34.05.230. 03-12-074, § 316-55-730, filed 6/3/03, effective 7/4/03. Statutory Authority: RCW 47.64.280. 90-06-047, § 316-55-730, filed 3/2/90, effective 4/2/90.]

Title 352 WAC

PARKS AND RECREATION COMMISSION

Chapters

352-12	**Moorage and use of marine and inland water facilities.**
352-32	**Public use of state park areas.**
352-40	**Public records.**

Chapter 352-12 WAC

MOORAGE AND USE OF MARINE AND INLAND WATER FACILITIES

WAC

352-12-005	Definitions.
352-12-010	Moorage and use of marine and inland water facilities.
352-12-020	Moorage fees.
352-12-030	Annual moorage permits.
352-12-050	Self-registration.

WAC 352-12-005 Definitions. As used in this chapter, the following words and terms have the meanings indicated, unless the context clearly requires otherwise:

(1) "Commercial vessel" shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, but shall not include vessels operated within the terms of a concession lease or agreement with the commission.

(2) "Commission" shall mean the Washington state parks and recreation commission.

(3) "Designated fee facility" shall mean any facility designated as a fee facility by the director or designee.

(4) "Director" shall mean the director of the Washington state parks and recreation commission.

(5) "Facility" shall mean state park floats, piers, mooring buoys, docks, pilings and linear moorage facilities.

(6) "Length" shall mean the overall length of a vessel as measured in a straight line parallel to the keel from the foremost part of the vessel to the aftermost part, not including bowsprit or bumkin or as shown on vessel's state or coast guard registration certificate.

(7) "Manager or ranger" shall mean a duly appointed Washington state parks ranger, or agent of the commission, who is vested with police powers under RCW 79A.05.160.

(8) "Night" shall mean the period between 1 p.m. and 8 a.m.

(9) "Vessel" shall mean watercraft of every description, used or capable of being used as a means of transportation on the water.

[Statutory Authority: RCW 79A.05.030, 79A.05.055, and 79A.05.070. 04-01-068, § 352-12-005, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040. 99-04-117, § 352-12-005, filed 2/3/99, effective 3/6/99. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-005, filed 3/31/82.]

WAC 352-12-010 Moorage and use of marine and inland water facilities. (1) Marine and inland water facilities of the state parks within the Washington state parks and recreation commission system are designed and administered specifically to provide recreational opportunities for park visitors. Use of park facilities for purposes which are of a non-recreational nature, such as long-term residency at park facilities, obstructs opportunities for recreational use, and is inconsistent with the purposes for which those facilities were designed.

(2) In order to afford the general public the greatest possible use of facilities, continuous moorage at a facility by the same vessel shall be limited to three consecutive nights, after which the vessel must vacate the facility for twenty-four consecutive hours, unless otherwise posted by the manager at any individual facility or area.

(3) No person or persons shall moor, berth or store a vessel of any type in a commission owned or operated park or area except in facilities posted as available for such use.

(4) Use of facilities by commercial vessels is prohibited except for the loading and unloading of passengers transported for recreation purposes: Provided however, Managers and rangers may allow extended or night moorage at any facility to commercial vessels unloading passengers transported to the park for recreation purposes if in the manager's or ranger's sole discretion sufficient space is reasonably available therefor. Commercial recreation providers operating such vessels must be in possession of a commercial recreation provider permit as required under WAC 352-32-330.

(5) In order to maximize usable space at mooring floats, boaters shall moor their vessels as close as reasonably possible to vessels already moored; and dinghies shall not be left moored to transoms or swimsteps, nor tied to or alongside moorage floats. Dinghies shall be tied up only in designated

spaces or outboard of the moored vessel. Rafting of vessels is also permitted, within posted limits, but not mandatory.

(6) Except where designated by the director or designee, use of any facility shall be on a first-come, first-served basis only. Reserving or retaining space to moor or berth a vessel at any facility, by means of a dinghy or any method other than occupying the space by the vessel to be moored, shall not be permitted.

(7) Open flames or live coals, or devices containing or using open flames, live coals or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall be permitted on floats or piers only when placed on a fireproof base and the fire is located away from fuel tanks and/or fuel vents. In case of dispute related to fire safety, the manager or ranger shall make final determination.

(8) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.055, and 79A.05.070. 04-01-068, § 352-12-010, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040. 99-04-117, § 352-12-010, filed 2/3/99, effective 3/6/99. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-010, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-12-010, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 83-06-051 (Order 65), § 352-12-010, filed 3/2/83. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-010, filed 3/31/82; filed 6/30/65.]

WAC 352-12-020 Moorage fees. (1) Vessels moored between 1 p.m. and 8 a.m. at those facilities designated by the director or designee shall be charged the moorage fee published by state parks: Provided, Vessels properly displaying a valid annual permit shall not be charged a moorage fee: Provided further, There shall be no moorage fee for any vessel riding on its own anchor: Provided further, There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

(3) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.055, and 79A.05.070. 04-01-068, § 352-12-020, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040. 99-04-117, § 352-12-020, filed 2/3/99, effective 3/6/99. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-12-020, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 93-08-025, § 352-12-020, filed 3/30/93, effective 5/1/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-020, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-12-020, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-12-020, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-12-020, filed 3/18/88, effective 5/15/88; 87-08-008 (Order 100), § 352-12-020, filed 3/23/87, effective 5/15/87. Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-12-020, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-09-045 (Order 77), § 352-12-020, filed 4/16/84; 82-08-027 (Order 59), § 352-12-020, filed 3/31/82.]

WAC 352-12-030 Annual moorage permits. (1) Annual moorage permits may be obtained for the period January 1 through December 31, inclusive. Application for such permits may be obtained from most state park managers or rangers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650, or on-line at www.parks.wa.gov.

(2) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued and will be published by state parks.

(3) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk, or as otherwise instructed by the director or designee.

(4) Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.055, and 79A.05.070. 04-01-068, § 352-12-030, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040. 99-04-117, § 352-12-030, filed 2/3/99, effective 3/6/99. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-12-030, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 93-08-025, § 352-12-030, filed 3/30/93, effective 5/1/93. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-12-030, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-12-030, filed 4/4/91, effective 1/1/92; 90-07-062, § 352-12-030, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-030, filed 3/31/82.]

WAC 352-12-050 Self-registration. In those designated facilities so posted by the manager, park visitors shall register for the use of facilities, overnight parking and onshore campsites, and pay the appropriate moorage, campsite fees or unattended vehicle overnight parking permit fee, on a self-registration basis, in accordance with all posted instructions. Failure to so register and pay required fees may result in a surcharge for failure to pay said fees and/or in eviction from moorage and campsite space, in addition to any other penalty prescribed by law for violation of commission rules and regulations. Except as provided in WAC 352-12-060, any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.055, and 79A.05.070. 04-01-068, § 352-12-050, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040. 99-04-117, § 352-12-050, filed 2/3/99, effective 3/6/99; 93-06-001, § 352-12-050, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.060. 82-08-027 (Order 59), § 352-12-050, filed 3/31/82.]

Chapter 352-32 WAC
PUBLIC USE OF STATE PARK AREAS

WAC

352-32-010 Definitions.
352-32-090 Games or activities.
352-32-120 Firearms.
352-32-121 Other weapons.
352-32-250 Standard fees charged.
352-32-310 Penalties.

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Aquatic facility" shall mean any structure or area within a state park designated by the director or designee for aquatic activities, including, but not limited to, swimming pools, wading pools, swimming beaches, floats, docks, ramps, piers or underwater parks.

"Bivouac" shall mean to camp overnight on a vertical rock climbing route on a ledge or in a hammock sling.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping party" shall mean an individual or a group of people (two or more persons) that is organized, equipped and capable of sustaining its own camping activity. A "camping party" is a "camping unit" for purposes of RCW 79A.05.065.

"Commercial recreation use" is a recreational activity in a state park that is packaged and sold as a service by an organization or individual, other than state parks or a state park concessionaire.

"Commercial recreation provider" is any individual or organization that packages and sells a service that meets the definition of a commercial recreation use.

"Commission" shall mean the Washington state parks and recreation commission.

"Conference center" shall mean a state park facility designated as such by the director or designee that provides specialized services, day-use and overnight accommodations available by reservation for organized group activities.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

"Disrobe" shall mean to undress so as to appear nude.

"Emergency area" is an area in the park separate from the designated overnight camping area, which the park manager decides may be used for camping when no alternative camping facilities are available within reasonable driving distances.

"Environmental interpretation" shall mean the provision of services, materials, publications and/or facilities, including environmental learning centers (ELC), for other than basic access to parks and individual camping, picnicking, and boating in parks, that enhance public understanding, appreciation and enjoyment of the state's natural and cultural heritage through agency directed or self-learning activities.

"Environmental learning centers (ELC)" shall mean those specialized facilities, designated by the director, designed to promote outdoor recreation experiences and environmental education in a range of state park settings.

"Extra vehicle" shall mean each additional unhitched vehicle in excess of the one recreational vehicle that will be parked in a designated campsite or parking area for overnight.

"Group" shall mean 20 or more people engaged together in an activity.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Hiker/biker campsite" shall mean a campsite that is to be used solely by visitors arriving at the park on foot or bicycle.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Overflow area" shall mean an area in a park separate from designated overnight and emergency camping areas, designated by the park manager, for camping to accommodate peak camping demands in the geographic region.

"Overnight accommodations" shall mean any facility or site designated for overnight occupancy within a state park area.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hang gliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, it is typically occupied to capacity on Friday or Saturday night during the high use season.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 79A.05.160, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus,

or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Remote controlled aircraft" shall mean nonpeopled model aircraft that are flown by using internal combustion, electric motors, elastic tubing, or gravity/wind for propulsion. The flight is controlled by a person on the ground using a hand held radio control transmitter.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than thirty days within a forty-day time period April 1 through September 30; or forty days within a sixty-day time period October 1 through March 31. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping party shall be limited to ten consecutive nights April 1 through September 30. Provided that at the discretion of the park ranger the maximum stay may be extended to fourteen consecutive nights if the campground is not fully occupied. Campers may stay twenty consecutive nights October 1 through March 31 in one park, after which the camping unit must vacate the overnight park facilities for three consecutive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Sno-park" shall mean any designated winter recreational parking area.

"Special groomed trail area" shall mean those sno-park areas designated by the director as requiring a special groomed trail permit.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal, and flush comfort station.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 79A.05.605 and as regulated under chapter 352-37 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and which may have domestic water and/or sewer.

"Vehicle parking permit" means the permit issued on a daily, multiple day or annual basis for parking a vehicle in any state park area designated for daytime vehicle parking, excluding designated sno-park parking areas.

"Walk-in campsite" shall mean a campsite that is accessed only by walking to the site and which may or may not have vehicle parking available near by.

"Watercraft launch site" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-borne or trailer-borne watercraft into or out of the water.

"Water trail advisory committee" shall mean the twelve-member committee constituted by RCW 79A.05.420.

"Water trail camping sites" shall mean those specially designated group camp areas identified with signs, that are near water ways, and that have varying facilities and extent of development.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-010, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 02-19-069, § 352-32-010, filed 9/13/02, effective 10/14/02. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-010, filed 6/16/00, effective 7/17/00. Statutory Authority: Chapter 79A.05 RCW and RCW 79A.05.070. 00-01-201, § 352-32-010, filed 12/22/99, effective 1/22/00. Statutory Authority: RCW 43.51.040(2). 98-23-063, § 352-32-010, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-010, filed 2/2/98, effective 3/5/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.300. 97-21-133, § 352-32-010, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-010, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.180. 96-02-015, § 352-32-010, filed 12/21/95, effective 1/21/96. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-010, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395. 95-07-061, § 352-32-010, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-010, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-08-036, § 352-32-010, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 94-01-087, § 352-32-010, filed 12/13/93, effective 1/13/94; 93-08-025, § 352-32-010, filed 3/30/93, effective 5/1/93; 93-06-001, § 352-32-010, filed 2/17/93, effective 3/20/93; 91-09-001, § 352-32-010, filed 4/4/91, effective 5/15/91. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-07-020 (Order 89-01), § 352-32-010, filed 3/7/89. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060. 87-24-032 (Order 102), § 352-32-010, filed 11/24/87. Statutory Authority: RCW 43.51.040 and 43.51.060. 87-08-008 (Order 100), § 352-32-010, filed 3/23/87, effective 5/15/87; 86-06-020 (Order 91), § 352-32-010, filed 2/25/86; 81-09-034 (Order 50), § 352-32-010, filed 4/14/81. Statutory Authority: RCW 43.51.040. 80-14-009 (Order 48), § 352-32-010, filed 9/22/80. Statutory Authority: RCW 43.51.040 and 43.51.060. 80-05-007 (Order 45), § 352-32-010, filed 4/4/80; Order 9, § 352-32-010, filed 11/24/70.]

WAC 352-32-090 Games or activities. Playing games and/or engaging in activities in a manner and/or location which subjects people or personal property, the park resource or facilities to risk of injury or damage shall be prohibited. Any violation of this section is an infraction under chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-090, filed 12/12/03, effective 1/12/04. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-090, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-090, filed 9/17/92, effective 10/18/92. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-090, filed 2/25/86; Order 9, § 352-32-090, filed 11/24/70.]

WAC 352-32-120 Firearms. (1) No person shall discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010 a firearm, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use. Any violation of this section is a gross misdemeanor.

(2) The possession, display, carrying, discharge or use of a firearm is further regulated under chapter 9.41 RCW.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-120, filed 12/12/03, effective 1/12/04; 03-01-079, § 352-32-120, filed 12/13/02, effective 1/13/03. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-120, filed 6/16/00, effective 7/17/00. Statutory Authority: RCW 43.51.040. 98-04-065, § 352-32-120, filed 2/2/98, effective 3/5/98; 93-06-001, § 352-32-120, filed 2/17/93, effective 3/20/93. Statutory Authority: RCW 43.51.040 and 43.51.060. 86-06-020 (Order 91), § 352-32-120, filed 2/25/86; Order 9, § 352-32-120, filed 11/24/70.]

WAC 352-32-121 Other weapons. No person shall display, discharge or propel across, in, or into any upland state park area as defined in WAC 352-32-010, a bow and arrow, spear, spear gun, harpoon, or air or gas weapon, or any device capable of injuring or killing any person or animal, or damaging or destroying any public or private property, except where the commission for good cause has authorized a special recreational activity upon finding that it is not inconsistent with state park use.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-121, filed 12/12/03, effective 1/12/04.]

WAC 352-32-250 Standard fees charged. Fees shall be charged in parks operated by the commission for use of lands, facilities, programs, services, and materials as published by state parks: Provided, however, That the commission may suspend any or all of these fees if revenues generated by the fees are not returned to the benefit of the parks: Provided further, That the director or designee has the authority to discount fees in order to take advantage of marketing opportunities to encourage use and increase revenues. Any such discounts shall be effective for a limited period of time up to one year in duration. The director or designee may consider the following factors in temporarily establishing or discounting fees:

Prevailing rates for comparable facilities;

Day of the week;

Season of the year;

Amenities of the park area and site;

Demand for facilities;

Low-income eligibility requirements as adopted by state parks; and

Such other considerations as the director or designee deems appropriate. The director or designee shall prescribe the specific details and manner in which fees shall be applied. The director or designee may also waive fees for marketing or promotional purposes or to redress visitor complaints. The director or designee may also establish temporary fees for a maximum of one year for new facilities or services. An administrative fee, as published by state parks, will be assessed for replacement of lost, damaged, or destroyed passes or permits.

(1) The director or designee may authorize reciprocity or cooperative arrangements with other state and/or federal agencies for the use of annual permits for like services, provided, that Washington licensed vehicles and/or residents shall be required to have and/or display the appropriate Washington permit or other permit as approved by the director or designee;

(2) Overnight camping - standard campsite; utility campsite; emergency campsite; overflow campsite; hiker/biker campsite; walk-in campsite; primitive campsite for nonmotorized for motorized vehicle - fees will be charged as published by state parks. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger;

(3) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee and providing the required information on the occupants of the other sites. The multiple campsite fee will be calculated by multiplying the standard, utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(4) Group camping area - certain parks: Individual camping units using these facilities must pay campsite fees as published by state parks;

(5) Conference center facilities - fees will be charged for use of facilities and services as set forth in the fee schedule published by state parks and will include, but not be limited to: Overnight accommodations in individual recreational housing units or dormitory units; use of meeting rooms, performance venues and rally areas; linen and janitorial services; group food services; and use of equipment, supplies, and staff time necessary to support group activities. Certain deposits, reservation and cancellation fees also apply as set forth in the fee schedule published by state parks and may not be refundable.

(6) Environmental interpretation:

(a) Service fees will be established by the director or designee in order to recover, to the maximum extent practicable, all direct and indirect costs of environmental interpretation services on a program-wide basis based on anticipated attendance.

(b) Material and publication fees will be established by the director or designee. All material and publication fees will be deposited in the parks improvement account to be used for purposes specified in RCW 79A.05.060.

(c) Facility use, including environmental learning center fees, will be established by the commission. A facility use fee schedule is available by contacting Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, WA 98504-2650;

(7) Adirondacks - not to include those located in ELC areas: Occupancy shall be limited to the number of built-in bunks provided;

(8) Extra vehicle overnight parking fee will be charged for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: Provided, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational

vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(9) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

(10) Watercraft launch site permit fee - charged according to facilities provided. Watercraft launch permit shall not be required for:

(a) Vehicles, other than those registered as extra overnight parking vehicles, registered for camping or overnight mooring in the park containing the watercraft launch site;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles displaying a valid annual watercraft launch site permit;

(11) Annual watercraft launch site permit valid for one year from month of purchase at any launch site designated by the director or designee. Permit must be displayed as instructed on permit backing;

(12) Trailer dump station fee - fee shall not be required for:

(a) Registered camping vehicles in the park containing the dump station;

(b) Vehicles of persons holding limited-income senior citizen, disability or disabled veterans passes;

(13) Variable pricing - variable prices will apply for use of campsites and/or facilities during such periods as the director may specify;

(14) Water trail site fees - for one day/night will be set by the commission;

(15) In addition to the regular fee, a surcharge may be imposed for failure to pay the self-registration fee;

(16) Group day use facilities - a minimum daily permit fee will be charged for groups of 20 or more;

(17) Reservation transaction - fee will be charged as published by state parks;

(18) Moorage facilities - fee will be charged as published by state parks;

(19) Hot showers, electric stoves - fees will be charged as published by state parks. Fees published by state parks do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended;

(20) Commercial recreation provider permit registration - a fee shall be charged, as published by state parks for registration as a commercial recreation provider;

(21) Commercial recreation provider permit - a fee shall be charged, as published by state parks for obtaining a permit to engage in commercial recreational use of state parks, as defined in WAC 352-32-010.

(22) Sno-park permit - seasonal and daily permit fees will be charged as published by state parks.

(23) Special groomed trail permit - a statewide special groomed trail permit will be required for use of special groomed trail areas. The fee charged will be as published by state parks.

(24) Wood debris collection permit - fee will be charged for collection and removal of wood debris from a state park area pursuant to RCW 4.24.210. The fee may be waived for volunteers assisting with emergency salvage and storm cleanup in the parks.

(25) Merchandise - prices for merchandise including but not limited to interpretive, recreational and historic materials, literature, food, beverage, grocery and other items at agency operated sales points will be based on market rates and practices.

(26) Back country camping permit - fee will be charged as published by state parks for selected state park areas as designated by the director.

(27) Group use registration - fee will be charged for groups of a size to be specified in the fee schedule on a park by park basis who have not otherwise reserved group facilities.

(28) Special event - fees will be charged based on the cost of providing events and market rates for comparable activities at other locations.

(29) Aquatic facilities - fees will be charged as published by state parks.

(30) Vehicle parking permit:

(a) The director or designee shall designate state parks where a vehicle parking permit shall be required for parking and shall publish a fee schedule to include any or all of the following:

(i) A single day or multiple day vehicle parking permit;

(ii) An annual vehicle parking permit;

(b) Vehicle parking permits shall not be required for:

(i) Vehicles registered for overnight accommodations, other than those registered as extra overnight parking vehicles;

(ii) Vehicles whose occupants hold a current pass authorized in WAC 352-32-251, Limited income senior citizen, disability, and disabled veteran passes;

(iii) Vehicles whose occupants hold a current watercraft launch site permit;

(iv) Vehicles whose occupants perform volunteer activities approved by the park ranger;

(v) Vehicles whose occupants engage in official business as authorized by agreement or otherwise approved by the park ranger;

(c) Any vehicle parking permit must be displayed as instructed on the permit.

(31) Checks dishonored by nonacceptance or nonpayment (NSF checks) - handling fee and interest:

(a) A handling fee may be assessed consistent with the maximum amount allowed in the office of state procurement, department of general administration's state contract and as published by state parks for checks as defined by chapter 62A.3-104 RCW, dishonored by nonacceptance or nonpayment.

(b) Interest at the maximum rate allowable may be charged on the NSF check as defined by chapter 62A.3-515 RCW, and as published by state parks for a check not paid within fifteen days after a statutory notice of dishonor is sent to maker's last known address.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-250, filed 12/12/03, effective 1/12/04; 03-01-079, § 352-32-250, filed 12/13/02, effective 1/13/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 02-19-069, § 352-32-250, filed 9/13/02, effective 10/14/02. Statutory Authority: Chapter 79A.05 RCW, including RCW 79A.05.030, 79A.05.035, 79A.05.055, and 79A.05.070. 00-13-070, § 352-32-250, filed 6/16/00, effective 7/17/00. Stat-

utory Authority: Chapter 79A.05 RCW and RCW 79A.05.070. 00-01-201, § 352-32-250, filed 12/22/99, effective 1/22/00. Statutory Authority: RCW 43.51.040(2). 98-23-063, § 352-32-250, filed 11/16/98, effective 1/1/99. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050, 43.51.040 and 43.51.300. 97-21-133, § 352-32-250, filed 10/21/97, effective 1/1/98. Statutory Authority: RCW 43.51.060, 43.51.055, 43.51.050 and 43.51.040. 96-22-018, § 352-32-250, filed 10/29/96, effective 1/1/97. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-32-250, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.060 and 43.51.395. 95-07-061, § 352-32-250, filed 3/13/95, effective 4/13/95. Statutory Authority: RCW 43.51.040. 94-23-024, § 352-32-250, filed 11/7/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-13-080, § 352-32-250, filed 6/13/94, effective 7/14/94; 94-08-036, § 352-32-250, filed 3/31/94, effective 5/1/94. Statutory Authority: RCW 43.51.040. 93-19-113, § 352-32-250, filed 9/20/93, effective 10/21/93; 93-08-025, § 352-32-250, filed 3/30/93, effective 5/1/93. Statutory Authority: Chapter 43.51 RCW. 92-10-018, § 352-32-250, filed 4/29/92, effective 5/30/92. Statutory Authority: RCW 43.51.040. 91-09-001, § 352-32-250, filed 4/4/91, effective 5/15/91; 90-07-062, § 352-32-250, filed 3/20/90, effective 4/20/90. Statutory Authority: RCW 43.51.040 and 43.51.060. 89-07-020 (Order 89-01), § 352-32-250, filed 3/7/89; 88-07-074 (Order 103), § 352-32-250, filed 3/18/88, effective 5/15/88; 87-08-008 (Order 100), § 352-32-250, filed 3/23/87, effective 5/15/87; Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060. 85-08-003 (Order 88), § 352-32-250, filed 3/22/85, effective 5/15/85. Statutory Authority: RCW 43.51.040 and 43.51.060. 84-09-045 (Order 77), § 352-32-250, filed 4/16/84. Statutory Authority: RCW 43.51.055 and 43.51.060. 83-23-094 (Order 71), § 352-32-250, filed 11/22/83. Statutory Authority: RCW 43.51.040 and 43.51.060. 83-09-031 (Resolution No. 67), § 352-32-250, filed 4/15/83; 82-15-059 (Order 62), § 352-32-250, filed 7/20/82; 82-09-035 (Order 60), § 352-32-250, filed 4/14/82; 81-09-034 (Order 50), § 352-32-250, filed 4/14/81; 80-05-007 (Order 45), § 352-32-250, filed 4/4/80. Statutory Authority: RCW 43.51.040(2) and 43.51.060(6). 79-09-077 (Order 42), § 352-32-250, filed 8/30/79, effective 10/1/79; 79-02-032 (Order 41), § 352-32-250, filed 1/23/79, effective 5/1/79; 78-05-082 (Order 39), § 352-32-250, filed 5/1/78; Order 36, § 352-32-050 (codified as WAC 352-32-250), filed 10/11/77; Order 27, § 352-32-250, filed 11/19/76.]

WAC 352-32-310 Penalties. Any violation designated in this chapter as a civil infraction shall constitute a misdemeanor until the violation is included in a civil infraction monetary schedule adopted by rule by the state supreme court pursuant to chapter 7.84 RCW, except that a violation of WAC 352-32-220, 352-32-260, and 352-32-265 shall at all times constitute a civil infraction, and WAC 352-32-120 shall at all times be a gross misdemeanor.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, and 79A.05.075. 04-01-067, § 352-32-310, filed 12/12/03, effective 1/12/04. Statutory Authority: RCW 43.51.040 and 43.51.180(7). 92-19-098, § 352-32-310, filed 9/17/92, effective 10/18/92.]

Chapter 352-40 WAC
PUBLIC RECORDS

WAC

352-40-010 What is the purpose of this chapter?
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352-40-050 Repealed.
352-40-060 What are the duties of the public records officer?
352-40-070 When can I inspect public records?
352-40-080 How do I request inspection or copying of public records?
352-40-090 Is there a cost to view or copy public records?
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352-40-125 Repealed.
352-40-127 Repealed.
352-40-130 How are agency records indexed?
352-40-140 Repealed.
352-40-150 Adoption of form.
352-40-900 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-40-050 Public records available. [Order 15, § 352-40-050, filed 7/25/73.] Repealed by 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-125 Purpose of records index. [Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-125, filed 9/25/90, effective 10/26/90.] Repealed by 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-127 Definitions in records index. [Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-127, filed 9/25/90, effective 10/26/90.] Repealed by 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-140 Location of record indexes and communications. [Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-140, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-140, filed 7/25/73.] Repealed by 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

352-40-900 Request for public record—Form. [Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-900, filed 9/25/90, effective 10/26/90; Appendix A (codified as WAC 352-40-900), filed 7/25/73.] Repealed by 03-11-068, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW.

WAC 352-40-010 What is the purpose of this chapter? The purpose of this chapter is to ensure compliance by the Washington state parks and recreation commission with the provisions of RCW 42.17.250 through 42.17.320 dealing with public records.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-010, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-010, filed 7/25/73.]

WAC 352-40-020 How do we define terms? (1) In accordance with RCW 42.17.020(36) "public record" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof; and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) "Washington state parks and recreation commission" is a commission appointed by the governor consisting of seven citizens of the state as outlined in RCW 79A.05.015.

(4) "Agency" refers to the staff and employees of the Washington state parks and recreation commission.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-020, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-020, filed 7/25/73.]

WAC 352-40-030 Where can citizens access agency public records? Most public records of the commission and

the agency are located at the Olympia headquarters office. Copies of certain records may be accessible at regional offices.

(1) The director and administrative offices are located at the headquarters office at 7150 Cleanwater Lane, Olympia, WA 98504-2650. Mailing address for the headquarters office is:

Washington State Parks and Recreation Commission
P.O. Box 2650
Olympia, WA 98504-2650
360-902-8500
FAX 360-753-1594
TDD 360-664-3133

(a) The public affairs office is available to assist with media inquiries and general public information requests.

Phone: 360-902-8561
E-mail: pao@parks.wa.gov

(b) The information center is available to assist with questions regarding specific parks, overnight accommodations, recreation programs and seasonal park closures. The center can send you a Request for Public Records form by e-mail or will refer your Request for Public Records form to the public records officer.

Phone: 360-902-8844
E-mail: infocent@parks.wa.gov

(c) The public records officer is available to assist in coordination with viewing of or copying agency records. The reception area at the headquarters office in Olympia can refer you to the records officer.

Phone: 360-902-8500

(2) Location of regional offices:

Southwest Region
Headquarters Office
11838 Tilley Road S.E.
Olympia, WA 98512
360-753-7143

Northwest Region
Headquarters Office
220 N. Walnut
Burlington, WA 98233
360-755-9231

Eastern Region
Headquarters Office
2201 N. Duncan Drive
Wenatchee, WA 98801-1007
509-662-0420

Puget Sound Region
2840 Riverwalk Drive S.E.
Auburn, WA 98002
206-931-3907.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-030, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. 83-23-095 (Order 72), § 352-40-030, filed 11/22/83; Order 15, § 352-40-030, filed 7/25/73.]

WAC 352-40-040 How is the agency organized and how is it operated? All decisions involving basic policy are made by the commission.

Staff at HQ implements those policy decisions.

Staff at each region develop, maintain and steward the state parks according to the policy decisions.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-040, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-040, filed 7/25/73.]

WAC 352-40-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 352-40-060 What are the duties of the public records officer? The agency public records officer is located in the headquarters administrative office and is responsible for:

(1) The implementation of the commission's rules and regulations regarding release of public records.

(2) Coordinating the agency in implementation of state records management techniques and agency indexing standards to ensure protection of, and prompt access to, public records.

(3) Implementing and ensuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.340.

(4) Assists requestors in coordination and viewing or copying of agency records.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-060, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-060, filed 7/25/73.]

WAC 352-40-070 When can I inspect public records? Public records are available for inspection and copying from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-070, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 42.17.250. 83-23-095 (Order 72), § 352-40-070, filed 11/22/83; Order 15, § 352-40-070, filed 7/25/73.]

WAC 352-40-080 How do I request inspection or copying of public records? In accordance with requirements of RCW 42.17.255, that agencies prevent unreasonable invasions of privacy and RCW 42.17.290 that agencies protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedure:

(1) A request shall be made in writing using agency Form A-374, Public Records Request. The form may be requested and obtained through the mail, by e-mail, or by fax as referenced in WAC 352-40-030. The form shall be presented to the public records officer or to any member of the agency if the public records officer is not available, during customary office hours. The agency may in its discretion fill requests made by telephone, e-mail or facsimile copy (fax). The request shall include the following information:

(a) The name, address and phone number of the person requesting the record;

(b) The date on which the request was made;

(c) If inspection of the record is requested, the time of day and calendar date on which the requestor wishes to inspect the public records;

(d) An appropriate description of the record requested;

(e) A statement that the information will not be used for commercial purposes.

(2) The public records officer, or agency employee assisting the member of the public making the request, will ascertain that the information requested is not exempt from public inspection and copying as outlined in WAC 352-40-100.

(3) Requests for identifiable public records will be processed promptly. The agency will respond within five working days of receiving the request by either:

(a) Providing the record;

(b) Acknowledging receipt of request and providing a reasonable estimate of the time required to respond; or

(c) Denying the request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging a receipt of a public record request that is unclear, the agency may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the agency need not respond to it.

(4) The agency does not distinguish among persons requesting records and such persons shall not be required to provide information as to the purpose for the request except to establish whether inspection and copying would violate RCW 42.17.260(5) or other statute which exempts or prohibits disclosure of specific information or records to certain persons. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-080, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-080, filed 7/25/73.]

WAC 352-40-090 Is there a cost to view or copy public records? The agency does not charge a fee for the inspection of public records.

The agency will charge an amount necessary to reimburse its costs for providing copies of records. This amount shall be reviewed from time to time by the agency and shall represent the costs of providing copies of public records and for use of the agency's copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the agency for its actual costs for copying and is payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

Contact the public records officer for fee schedule of copying costs.

The public records officer or designee may waive the fee if the cost of preparing a billing for recoverable reproduction costs exceeds the amount to be recovered.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-090, filed 5/19/03, effective 6/19/03. Statutory Authority: Chapter 43.51 RCW. 92-10-019, § 352-40-090, filed 4/29/92, effective 5/30/92; Order 15, § 352-40-090, filed 7/25/73.]

WAC 352-40-100 Can my request be denied? (1) Yes, a request can be denied if it is exempt from disclosure under the provisions of RCW 42.17.255 and 42.17.310.

(2) Under the provisions of RCW 42.17.260, the agency will delete identifying details when it makes available or publishes any public record in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by RCW 42.17.260. The public records officer will fully justify such deletion in writing.

(3) Under the provisions of RCW 42.17.269, public records requests will also be denied if the purpose of the request is to sell or use the information for commercial purposes.

(4) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-100, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-100, filed 7/25/73.]

WAC 352-40-110 What is the review process for a denial of a public records request? The public records officer or designee denying the request shall immediately send a copy of the written response to the director of the commission. The director or designee shall immediately consider the matter and, within two business days, either affirm or reverse such denial. If the director or designee has not responded to the requestor by the end of the two business days following denial of inspection, then the request is deemed denied.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-110, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-110, filed 7/25/73.]

WAC 352-40-120 How does the agency protect public records? Public records of the agency are located in the Olympia headquarters and each of the regional locations as outlined in WAC 352-40-030. Records are available for inspection and copying at these locations during office hours identified in WAC 352-40-070.

In order to protect these records, you must comply with the following guidelines:

(1) You may not remove any public record from the agency premises.

(2) You must have a designated agency employee present while inspecting public records.

(3) You may not mark or deface a public record in any manner during inspection.

(4) You may not dismantle public records which are maintained in a file or jacket or in chronological or other filing order.

Access to file cabinets, shelves, vaults, or other storage areas is restricted to agency personnel unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-120, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-120, filed 7/25/73.]

WAC 352-40-125 Repealed. See Disposition Table at beginning of this chapter.

WAC 352-40-127 Repealed. See Disposition Table at beginning of this chapter.

WAC 352-40-130 How are agency records indexed? The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of agency records and includes all records issued before July 1, 1990, for which the agency has maintained an index.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. With the assistance of the public records officer or designee, the records retention schedule is available to the public for inspection and copying.

A separate index of policy statements as defined in RCW 34.05.010(15) entered after June 30, 1990, shall be maintained by the agency.

In addition, the agency has a functional index coding system for physical files, commission policy, administrative policy and agency procedures.

Commission meetings minutes are indexed by year, month, and agenda item number. They are also summarized by topic.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-130, filed 5/19/03, effective 6/19/03. Statutory Authority: RCW 43.51.040. 90-20-032, § 352-40-130, filed 9/25/90, effective 10/26/90; Order 15, § 352-40-130, filed 7/25/73.]

WAC 352-40-140 Repealed. See Disposition Table at beginning of this chapter.

WAC 352-40-150 Adoption of form. The commission hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the Form A-374, Request for Public Record.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and chapter 42.17 RCW. 03-11-068, § 352-40-150, filed 5/19/03, effective 6/19/03; Order 15, § 352-40-150, filed 7/25/73.]

WAC 352-40-900 Repealed. See Disposition Table at beginning of this chapter.

Title 356 WAC

PERSONNEL, DEPARTMENT OF (GENERAL GOVERNMENT)

Chapters

356-06 General provisions.
356-18 Leave.
356-22 Recruitment—Examinations.

Chapter 356-06 WAC
GENERAL PROVISIONS

WAC

356-06-065 Incumbent status for positions converted by the board from exempt to classified.

WAC 356-06-065 Incumbent status for positions converted by the board from exempt to classified. (1) When the board determines that a position that has been treated as exempt does not meet the exemption criteria in WAC 356-06-020 the incumbent's status within the classified Washington general service will be in accordance with subsections (2) through (10) of this section.

(2) The incumbent shall not be required to pass a qualifying examination or meet the minimum qualifications for the Washington general service classification to which their position is allocated.

(3) Incumbents who have been continuously employed for a period of time equivalent to or greater than the probationary period established for their Washington general service classification shall not be required to complete the probationary period. Incumbents who have not been continuously employed for a period of time equivalent to or greater than the probationary period shall be required to complete the remaining portion of their probationary period.

(4) Incumbents whose salary is higher than the salary range assigned to their Washington general service classification shall be Y-rated in accordance with WAC 356-14-075.

(5) The periodic increment date (PID) for incumbents placed in positions converted by the board on or before the fifteenth of the month shall be set at the first day of that month. The PID for incumbents placed in positions converted by the board after the fifteenth of the month shall be set the first day of the following month.

(6) Incumbents shall be credited with all unused sick leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue sick leave as provided in WAC 356-18-050.

(7) Incumbents shall be credited with all unused vacation leave credits, if any, that they had accrued up to the time of placement in a position converted by the board and shall begin to accrue vacation leave as provided in WAC 356-18-090.

(8) With regard to calculation of unused sick and vacation leave credits upon conversion, the employing agency's leave records are presumed to be accurate and in accordance with Chapter 356-18 WAC. If the incumbent disagrees he or she bears the burden of proof, by a preponderance of the evidence, that a different leave amount is correct under Chapter 356-18 WAC.

(9) The board will determine the methodology to be used for establishing the effective date for incumbent seniority. When feasible, the board will apply the methodology as prescribed in WAC 356-05-390. The employing agency shall set the seniority date in accordance with the board's instruction. Thereafter, incumbents shall accrue seniority in accordance with WAC 356-05-390. As provided in WAC 356-30-130, seniority gained by seasonal career employees during seasonal layoff will be disregarded. If an incumbent believes the agency did not set the seniority date in accordance with the board's instructions, the incumbent may request a review

with the director. The written request for review must be filed with the director and received within thirty calendar days from the date the agency informed the employee of their seniority date. The request must contain the reasons and basis for the review. Once the review is completed the director or designee shall issue a decision, which will be final and binding.

(10) Incumbents placed in a position converted under the provisions of this section have appeal rights as provided in Titles 356 and 358 WAC.

[Statutory Authority: RCW 41.06.150. 03-16-085, § 356-06-065, filed 8/5/03, effective 9/5/03; 02-15-047, § 356-06-065, filed 7/11/02, effective 9/1/02.]

Chapter 356-18 WAC
LEAVE

WAC

356-18-112 Shared leave.

WAC 356-18-112 Shared leave. (1) The purpose of the state leave sharing program is to permit state employees to donate vacation leave, sick leave, or personal holidays to a fellow state employee who has been called to service in the uniformed services or who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. An employee is eligible to request participation in the shared leave program when the employee is able to use accrued vacation leave, sick leave, or a personal holiday. For purposes of the Washington state leave sharing program, the following definitions apply:

(a) "Employee" means any employee who is entitled to accrue sick leave or vacation leave and for whom accurate leave records are maintained.

(b) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(c) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards even if they do not live in the household. The term does not include persons sharing the same general house, when the living style is primarily that of a dormitory or commune.

(d) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

(e) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty including state-ordered active duty, and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(f) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the President of the United States in time of war or national emergency.

(2) An employee may be eligible to receive shared leave under the following conditions:

(a) The employee's agency head determines that the employee meets the criteria described in this section.

(b) For work related illness or injury, the employee has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW if the employee qualifies under subsection (3)(a)(i) of this section.

(c) The employee has abided by agency policies regarding the use of sick leave if the employee qualifies under subsection (3)(a)(i) of this section.

(d) The employee has abided by agency policies regarding the use of vacation leave and paid military leave if the employee qualifies under subsection (3)(a)(ii) of this section.

(e) Donated leave is transferable between employees in different state agencies with the agreement of both agency heads.

(3) An employee may donate vacation leave, sick leave, or personal holiday to another employee only under the following conditions:

(a)(i) The receiving employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature; or

(ii) The receiving employee has been called to service in the uniformed services;

(b) The illness, injury, impairment, condition, or call to service has caused, or is likely to cause, the receiving employee to:

(i) Go on leave without pay status; or

(ii) Terminate state employment.

(c) The receiving employee's absence and the use of shared leave are justified.

(d) The receiving employee has depleted or will shortly deplete his or her:

(i) Vacation leave and sick leave reserves if the employee qualifies under subsection (3)(a)(i) of this section; or

(ii) Vacation leave and paid military leave allowed under RCW 38.40.060 if the employee qualifies under subsection (3)(a)(ii) of this section.

(e) The agency head permits the leave to be shared with an eligible employee.

(f) The donating employee may donate any amount of vacation leave provided the donation does not cause the employee's vacation leave balance to fall below eighty hours. For part-time employees, requirements for annual leave balances will be prorated.

(g) Employees may not donate excess vacation leave that the donor would not be able to take due to an approaching anniversary date.

(h) The donating employee may donate any specified amount of sick leave provided the donation does not cause the employee's sick leave balance to fall below one hundred seventy-six hours after the transfer. For purposes of sick

leave donation, a day equals the donor's monthly sick leave accrual.

(i) The donating employee may donate all or part of a personal holiday in accordance with WAC 356-18-025. Any portion of a personal holiday that is not used shall be returned to the donating employee.

(4) The agency head shall determine the amount of donated leave an employee may receive and may only authorize an employee to use up to a maximum of two hundred sixty-one days of shared leave during total state employment, except that a nonpermanent employee who is eligible to use accrued leave or personal holiday may not use shared leave beyond the earlier date of:

(a) The termination date specified in the nonpermanent employee's appointment letter, or

(b) 1560 nonovertime hours from date of appointment to the nonpermanent position; unless extended by the director in accordance with WAC 356-30-065(4), 356-30-067(7), and 356-30-140.

(5) The agency head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the severe or extraordinary nature and expected duration of the condition when the employee is qualified under subsection (3)(a)(i) of this section. The agency head shall require the employee to submit, prior to approval or disapproval, a copy of the military orders verifying the employee's required absence when the employee is qualified for shared leave under subsection (3)(a)(ii) of this section.

(6) Any donated leave may only be used by the recipient for the purposes specified in this section.

(7) The receiving employee shall be paid his or her regular rate of pay; therefore, one hour of shared leave may cover more or less than one hour of the recipient's salary. The calculation of the recipient's leave value shall be in accordance with office of financial management policies, regulations, and procedures. The dollar value of the leave is converted from the donor to the recipient. The leave received will be coded as shared leave and be maintained separately from all other leave balances.

(8) All forms of paid leave available for use by the recipient must be used prior to using shared leave when qualified under subsection (3)(a)(i) of this section. All forms of paid leave, except sick leave, available for use by the recipient must be used prior to using shared leave when qualified under subsection (3)(a)(ii) of this section.

(9) Any shared leave not used by the recipient during each incident/occurrence as determined by the agency director shall be returned to the donor(s). The shared leave remaining will be divided among the donors on a prorated basis based on the original donated value and returned at its original donor value and reinstated to each donor's appropriate leave balance. The return shall be prorated back based on the donor's original donation.

(10) All donated leave must be given voluntarily. No employee shall be coerced, threatened, intimidated, or financially induced into donating leave for purposes of this program.

(11) Agencies shall maintain records which contain sufficient information to provide for legislative review.

(12) An employee who uses leave that is transferred under this section will not be required to repay the value of the leave that he or she used.

[Statutory Authority: RCW 41.06.150. 03-20-011, § 356-18-112, filed 9/19/03, effective 9/19/03; 02-07-049, § 356-18-112, filed 3/14/02, effective 5/1/02; 96-21-037, § 356-18-112, filed 10/10/96, effective 11/10/96; 96-11-058, § 356-18-112, filed 5/10/96, effective 6/6/96. Statutory Authority: RCW 41.06.040 and 41.06.150. 91-07-055 (Order 371), § 356-18-112, filed 3/19/91, effective 5/1/91. Statutory Authority: RCW 41.06.150. 89-16-029 (Order 326), § 356-18-112, filed 7/25/89, effective 8/25/89.]

Chapter 356-22 WAC
RECRUITMENT—EXAMINATIONS

WAC

356-22-220 Veterans scoring in examinations.

WAC 356-22-220 Veterans scoring in examinations. (1) "Veteran" includes every person, who at the time he or she seeks the benefits of this section has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

(a) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;

(b) As a member of the women's air forces service pilots;

(c) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;

(d) As a civil service crew member with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946; or

(e) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945.

(2) In all competitive examinations, veterans, as defined in this section and upon submission of their qualifying DD214 form, shall be given additional percentages by adding to the passing score, a percentage of such passing score under the following conditions:

(a) Ten percent to a veteran who served during a period of war or in an armed conflict as defined in RCW 41.04.005 and does not receive military retirement. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(b) Five percent to a veteran who did not serve during a period of war or in an armed conflict as defined in RCW 41.04.005 or is receiving military retirement. The percentage shall be added to the final passing score. The percentage shall be added until the veteran's first appointment and shall not be utilized in promotional examinations.

(c) Five percent to a veteran who was called from state employment to active military service for one or more years. The percentage shall be added to the first promotional examination only.

(3) The provisions in subsection (2) may be claimed upon or any time after release from active military service.

[Statutory Authority: RCW 41.06.150. 03-20-010, § 356-22-220, filed 9/19/03, effective 9/19/03; 02-15-052, § 356-22-220, filed 7/11/02, effective 9/1/02; 98-19-034, § 356-22-220, filed 9/10/98, effective 10/12/98; 96-11-060, § 356-22-220, filed 5/10/96, effective 6/6/96; 84-14-006 (Order 207), § 356-22-220, filed 6/22/84; Order 68, § 356-22-220, filed 6/25/74; Order 36, § 356-22-220, filed 7/1/71, effective 8/1/71. Formerly WAC 356-16-260.]

Title 363 WAC

PILOTAGE COMMISSIONERS, BOARD OF

Chapters

363-116 **Pilotage rules.**

Chapter 363-116 WAC
PILOTAGE RULES

WAC

363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.
363-116-300 Pilotage rates for the Puget Sound pilotage district.
363-116-365 Docking and undocking of certain vessels by the vessels' masters.
363-116-405 Relieving pilots for cause.

WAC 363-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district. Effective through 2400 hours July 31, 2004.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Fees for piloting of vessels in the inland waters and tributaries of Grays Harbor shall consist of the following:

Draft and tonnage fees:

Each vessel shall be charged according to its draft and tonnage for each vessel movement inbound to the Grays Harbor pilotage district, and for each movement outbound from the district. The draft charges shall be $80.99 per meter (or $24.64 per foot) and the tonnage charge shall be $0.2583 per net registered ton. The minimum net registered tonnage charge is $903.79. The charge for an extra vessel (in case of tow) is $516.48.

Provided that, due to unique circumstances in the Grays Harbor pilotage district, vessels that call, and load or discharge cargo, at Port of Grays Harbor Terminal No. 2 shall be charged $5,000 per movement for each vessel movement inbound to the district for vessels that go directly to Terminal No. 2 or that go to anchor and then go directly to Terminal No. 2, and for each vessel movement outbound from the district from Terminal No. 2, and that this charge shall be in lieu of only the draft and tonnage fees listed above.

Boarding fee:

Per each boarding/deboarding from a boat or helicopter	$389.67

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage	$647.88
Delays per hour	$154.49
Cancellation charge (pilot only)	$258.22
Cancellation charge (boat or helicopter only)	$774.69

Pension charge:

Charge per pilotage assignment, including cancellations	$172.00

Travel allowance:

Transportation fee per assignment	$55.00
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid $903.82 for each day or fraction thereof, and the travel expense incurred	$903.82

Bridge transit:

Charge for each bridge transited	$283.61
Additional surcharge for each bridge transited for vessels in excess of 27.5 meters in beam	$785.22

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

[Statutory Authority: RCW 88.16.035. 03-21-089, § 363-116-185, filed 10/17/03, effective 11/17/03; 03-14-042, § 363-116-185, filed 6/24/03, effective 8/1/03; 02-13-076, § 363-116-185, filed 6/17/02, effective 6/17/02; 01-18-049, § 363-116-185, filed 8/30/01, effective 9/30/01; 01-13-066, § 363-116-185, filed 6/18/01, effective 6/18/01; 00-13-097, § 363-116-185, filed 6/21/00, effective 8/1/00; 99-16-027, § 363-116-185, filed 7/27/99, effective 8/1/99; 98-19-036, § 363-116-185, filed 9/11/98, effective 9/15/98; 97-15-120, § 363-116-185, filed 7/23/97, effective 8/1/97. Recodified as § 363-116-185. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 96-14-062, § 296-116-185, filed 6/28/96, effective 8/1/96; 95-13-054, § 296-116-185, filed 6/16/95, effective 8/1/95; 94-05-006, § 296-116-185, filed 2/3/94, effective 3/6/94; 93-13-055, § 296-116-185, filed 6/16/93, effective 7/17/93; 93-03-080, § 296-116-185, filed 1/19/93, effective 2/19/93; 92-14-069, § 296-116-185, filed 6/26/92, effective 7/27/92; 91-08-008, § 296-116-185, filed 3/26/91, effective 4/26/91; 90-09-013, § 296-116-185, filed 4/6/90, effective 5/7/90; 89-08-042 (Order 89-3, Resolution No. 89-3), § 296-116-185, filed 3/31/89; 88-05-043 (Order 88-2, Resolution No. 88-2), § 296-116-185, filed 2/17/88, effective 3/21/88. Statutory Authority: RCW 88.16.035(4). 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-116-185, filed 12/19/86; 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-185, filed 12/31/84; 83-15-012 (Order 83-3, Resolution No. 83-3), § 296-116-185, filed 7/12/83; 82-08-016 (Order 82-1, Resolution No. 82-1), § 296-116-185, filed 3/29/82; 81-07-009 (Order 81-1, Resolution No. 81-1), § 296-116-185, filed 3/6/81; 80-03-081 (Order 79-6, Resolution No. 79-6), § 296-116-185, filed 3/4/80; Order 2-68, § 296-116-185, filed 11/1/68.]

WAC 363-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 hours July 1, 2003, through 2400 hours June 30, 2004.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee: Per each boarding/deboarding at the Port Angeles pilot station.	$40.00
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift Dead ship	Double LOA Zone I
Dead ship towing charge: LOA of tug + LOA of tow + beam of tow	Double LOA Zone

Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.

Waterway and bridge charges:

Ships up to 90' beam:

A charge of $211.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle, south of Eleventh Street in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of $101.00 per bridge.

Ships 90' beam and/or over:

A charge of $286.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street in Seattle and south of Eleventh Street in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of $200.00 per bridge.

(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	$285.00
Radio direction finder calibration	$285.00
Launching vessels	$428.00
Trial trips, 6 hours or less (Minimum $804.00)	$134.00 per hr.
Trial trips, over 6 hours (two pilots)	$268.00 per hr.
Shilshole Bay – Salmon Bay	$167.00
Salmon Bay – Lake Union	$131.00
Lake Union – Lake Washington (plus LOA zone from Webster Point)	$167.00
Cancellation charge	LOA Zone I
Cancellation charge—Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II
Docking delay after anchoring:	$134.00 per hr.

Applicable harbor shift rate to apply, plus $134.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is $134.00 for every hour or fraction thereof.

Sailing delay:	$134.00 per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is $134.00 for every hour or fraction thereof. The assessment of the standby fee shall not exceed a period of twelve hours in any twenty-four hour period.

Slowdown:	$134.00 per hour

When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of $134.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Tonnage charges:

0 to 20,000 gross tons:

Additional charge to LOA zone mileage of $0.0067 a gross ton for all gross tonnage up to 20,000 gross tons.

20,000 to 50,000 gross tons:

Additional charge to LOA zone mileage of $0.0690 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be $0.0827 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles:	$134.00 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of $134.00 for

each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.

Transportation to vessels on Puget Sound:

March Point or Anacortes	$ 144.00
Bangor	84.00
Bellingham	158.00
Bremerton	44.00
Cherry Point	175.00
Dupont	85.00
Edmonds	27.00
Everett	52.00
Ferndale	173.00
Manchester	66.00
Mukilteo	52.00
Olympia	108.00
Point Wells	27.00
Port Gamble	77.00
Port Townsend (Indian Island)	109.00
Seattle	15.00
Semiahmoo (Blaine)	196.00
Tacoma	56.00
Tacoma Smelter	66.00
Winslow	42.00

(a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - $15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x $1.80 per mile. Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
Up to 449	209	322	552	822	1,107	1,436
450 - 459	216	329	555	834	1,125	1,443
460 - 469	219	333	563	848	1,140	1,449
470 - 479	227	342	571	865	1,143	1,452
480 - 489	233	349	573	881	1,150	1,459
490 - 499	236	353	581	897	1,165	1,465
500 - 509	248	359	590	908	1,173	1,475
510 - 519	250	366	596	921	1,185	1,479
520 - 529	253	378	604	925	1,195	1,493
530 - 539	261	383	612	935	1,215	1,509
540 - 549	265	388	626	946	1,234	1,522
550 - 559	270	402	630	959	1,243	1,537
560 - 569	280	418	643	967	1,256	1,552
570 - 579	286	422	645	972	1,268	1,562
580 - 589	297	429	660	980	1,276	1,578
590 - 599	312	437	664	984	1,294	1,596
600 - 609	322	450	672	988	1,310	1,604
610 - 619	341	455	686	993	1,323	1,618
620 - 629	354	461	691	1,004	1,338	1,637
630 - 639	371	468	699	1,006	1,350	1,651
640 - 649	385	480	707	1,009	1,361	1,664
650 - 659	413	488	719	1,017	1,378	1,681
660 - 669	421	493	725	1,022	1,392	1,694
670 - 679	435	506	733	1,040	1,408	1,704
680 - 689	442	515	743	1,050	1,421	1,721
690 - 699	455	523	753	1,068	1,436	1,756
700 - 719	475	540	767	1,081	1,463	1,776
720 - 739	504	555	786	1,096	1,493	1,806
740 - 759	523	581	801	1,107	1,522	1,838
760 - 779	544	601	821	1,125	1,552	1,863
780 - 799	571	627	834	1,140	1,578	1,895
800 - 819	594	645	851	1,146	1,604	1,924
820 - 839	612	668	871	1,165	1,637	1,946
840 - 859	638	695	886	1,177	1,663	1,979
860 - 879	662	719	904	1,208	1,694	2,008
880 - 899	686	740	921	1,236	1,721	2,037
900 - 919	705	763	937	1,267	1,756	2,066
920 - 939	727	786	959	1,294	1,774	2,093
940 - 959	753	807	973	1,323	1,806	2,120
960 - 979	771	831	990	1,350	1,838	2,151
980 - 999	797	851	1,007	1,378	1,863	2,177
1000 - 1019	844	906	1,052	1,450	1,950	2,272
1020 - 1039	867	932	1,085	1,493	2,009	2,339
1040 - 1059	893	955	1,117	1,537	2,067	2,409
1060 - 1079	921	989	1,149	1,584	2,131	2,481
1080 - 1099	948	1,017	1,184	1,630	2,194	2,555
1100 - 1119	975	1,047	1,219	1,680	2,259	2,632
1120 - 1139	1,005	1,080	1,257	1,729	2,327	2,710
1140 - 1159	1,035	1,111	1,293	1,781	2,397	2,792
1160 - 1179	1,065	1,143	1,332	1,835	2,468	2,875
1180 - 1199	1,098	1,178	1,371	1,889	2,543	2,961
1200 - 1219	1,131	1,214	1,412	1,946	2,618	3,049

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
1220 - 1239	1,165	1,250	1,454	2,004	2,696	3,140
1240 - 1259	1,199	1,286	1,497	2,064	2,778	3,234
1260 - 1279	1,234	1,324	1,542	2,125	2,861	3,331
1280 - 1299	1,270	1,365	1,588	2,190	2,946	3,431
1300 - 1319	1,309	1,404	1,635	2,254	3,035	3,533
1320 - 1339	1,349	1,446	1,685	2,322	3,125	3,640
1340 - 1359	1,388	1,490	1,735	2,391	3,218	3,749
1360 - 1379	1,430	1,534	1,787	2,463	3,314	3,860
1380 - 1399	1,472	1,579	1,841	2,536	3,413	3,977
1400 - 1419	1,517	1,627	1,894	2,612	3,515	4,095
1420 - 1439	1,561	1,676	1,952	2,690	3,621	4,218
1440 - 1459	1,609	1,726	2,011	2,770	3,729	4,344
1460 - 1479	1,655	1,778	2,069	2,853	3,841	4,474
1480 - 1499	1,705	1,830	2,132	2,938	3,955	4,607
1500 & Over	1,756	1,886	2,196	3,028	4,073	4,745

[Statutory Authority: RCW 88.16.035. 03-12-019, § 363-116-300, filed 5/28/03, effective 7/1/03; 02-12-008, § 363-116-300, filed 5/23/02, effective 7/1/02; 01-18-050, § 363-116-300, filed 8/30/01, effective 9/30/01; 01-12-032, § 363-116-300, filed 5/29/01, effective 7/1/01; 00-11-119, § 363-116-300, filed 5/22/00, effective 7/1/00; 99-12-027, § 363-116-300, filed 5/25/99, effective 7/1/99; 98-12-008, § 363-116-300, filed 5/22/98, effective 7/1/98; 97-12-017, § 363-116-300, filed 5/28/97, effective 7/1/97. Recodified as § 363-116-300. 97-08-042, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.035. 96-12-017, § 296-116-300, filed 5/29/96, effective 7/1/96; 95-12-018, § 296-116-300, filed 5/30/95, effective 7/1/95; 94-12-044, § 296-116-300, filed 5/27/94, effective 7/1/94; 93-12-133, § 296-116-300, filed 6/2/93, effective 7/3/93; 92-14-007, § 296-116-300, filed 6/19/92, effective 7/20/92; 91-11-074, § 296-116-300, filed 5/20/91, effective 6/20/91; 90-20-116, § 296-116-300, filed 10/2/90, effective 11/2/90; 90-08-095, § 296-116-300, filed 4/4/90, effective 5/5/90; 89-08-041 (Order 89-2, Resolution No. 89-2), § 296-116-300, filed 3/31/89. Statutory Authority: RCW 88.16.050. 88-05-039 (Order 88-1, Resolution No. 88-1), § 296-116-300, filed 2/16/88, effective 3/18/88. Statutory Authority: RCW 88.16.035(4). 87-01-081 (Orders 86-9 and 86-10, Resolution Nos. 86-9 and 86-10), § 296-116-300, filed 12/19/86; 86-19-066 (Order 86-6, Resolution No. 86-6), § 296-116-300, filed 9/16/86; 86-02-035 (Order 86-1, Resolution No. 86-1), § 296-116-300, filed 12/30/85; 85-02-048 (Order 84-5, Resolution No. 84-5), § 296-116-300, filed 12/31/84; 84-04-006 (Order 84-1, Resolution No. 84-1), § 296-116-300, filed 1/20/84; 83-17-055 (Order 83-6, Resolution No. 83-6), § 296-116-300, filed 8/17/83; 82-13-065 (Order 82-4, Resolution No. 82-4), § 296-116-300, filed 6/16/82. Statutory Authority: RCW 88.16.035. 81-12-017 (Order 81-2, Resolution No. 81-2), § 296-116-300, filed 5/29/81; 80-06-084 (Order 80-1, Resolution No. 80-1), § 296-116-300, filed 5/28/80. Statutory Authority: RCW 88.16.035(4). 79-07-033 (Order 79-4, Resolution No. 79-4), § 296-116-300, filed 6/19/79. Statutory Authority: Chapter 88.16 RCW and 1977 ex. sess. c 337, §§ 1 and 4. 78-02-008 (Order 78-1), § 296-116-300, filed 1/6/78, effective 2/10/78; Order 77-18, § 296-116-300, filed 9/20/77, effective 11/1/77; Order 76-24, § 296-116-300, filed 7/22/76; Order 75-3, § 296-116-300, filed 2/10/75; Order 74-2, § 296-116-300, filed 1/8/74; Order 73-8, § 296-116-300, filed 6/20/73 and Emergency Order 73-10, filed 7/19/73, effective 8/14/73; Order 70-7, § 296-116-300, filed 7/16/70; 7/25/67; 2/18/64; 10/29/62; 12/28/60; 3/23/60.]

WAC 363-116-365 Docking and undocking of certain vessels by the vessels' masters. On a passenger vessel not requiring a tug for docking or undocking, the master of the vessel may maneuver the vessel into or out of its berth under the following procedures and conditions:

(1) The master may not commence maneuvering the vessel until the express consent of the pilot has been given;

(2) Any such consent shall be on a case-by-case basis and be valid only for that specific berthing or departure;

(3) The master may not delegate maneuvering responsibility for the vessel to an officer other than the vessel's staff captain;

(4) The exact location for the exchange of maneuvering responsibilities between the pilot and the master must be part of the consent and the exchange must always occur in close proximity (approximately the vessel's length, but not to exceed twice the vessel's length) to the vessel's berth; and

(5) While the master is maneuvering the vessel pursuant to this section, the pilot shall remain available to advise and assist the master and the master shall be responsible for keeping the pilot informed as to all material aspects of the master's maneuvering of the vessel.

[Statutory Authority: RCW 88.16.035. 03-09-097, § 363-116-365, filed 4/21/03, effective 5/22/03.]

WAC 363-116-405 Relieving pilots for cause. A pilot serving on a vessel required by chapter 88.16 RCW to employ a state licensed pilot may be relieved from his or her piloting duties by the ship's master only for cause as provided herein. The master may relieve a pilot only if the pilot is manifestly incompetent or incapacitated or if the vessel is endangered or *in extremis* due to the pilot's error. If a pilot is relieved for cause under this section another pilot shall be requested and dispatched. In such event, the master shall immediately put the ship to anchor, to the extent it can be done safely, and await the substitute pilot. If anchoring is not possible or prudent, the master shall slow the vessel to the slowest prudent speed until another pilot can be put on board. To the extent possible and practical, after being relieved of his or her duties, the pilot shall remain available to advise and assist the master. In the event a pilot is relieved as provided in this section in the Puget Sound pilotage district, the U.S. Coast Guard vessel traffic system shall be notified immediately. In the event a pilot is relieved as provided in this section in any pilotage district, the vessel and the pilot promptly shall provide notice to the board of the event and relevant circumstances.

[Statutory Authority: RCW 88.16.035. 03-09-096, § 363-116-405, filed 4/21/03, effective 5/22/03.]

Title 365 WAC

COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT, DEPARTMENT OF (COMMUNITY DEVELOPMENT)

Chapters

365-210 **Manufactured housing installer training and certification program.**

365-212 **Manufactured housing relocation.**

Chapter 365-210 WAC

MANUFACTURED HOUSING INSTALLER TRAINING AND CERTIFICATION PROGRAM

WAC

365-210-030 Definitions.
365-210-060 Application process.
365-210-061 Manufactured home installer—Continuing education requirements.
365-210-062 Manufactured home installer recertification—Application process.
365-210-063 Fees—Refunds.
365-210-090 Requirement for applicable licenses and registrations.
365-210-100 Manufactured home on-site work and equipment installation—Manufactured home installer certification required.
365-210-110 Manufactured home installation, on-site work or equipment installation—Homeowner performing work on their own home—Exceptions.
365-210-120 Manufactured home installation permit and inspections—Obligation of certified installer.
365-210-130 Manufactured home installer—Responsibilities to the consumer.
365-210-140 Manufactured home installation—Installer certification tags required.
365-210-150 Installer certification tag—Issuance by local enforcement agency.
365-210-160 Installer certification tag—Placement—Removal.
365-210-170 Monthly certification tag report.
365-210-180 Alternative education providers—Approval process and compliance.
365-210-190 Legal action—Installer certification required.

WAC 365-210-030 Definitions. The following definitions shall apply to this chapter and to chapter 43.63B RCW:

(1) "Extension of the pressure relief valve for the water heater" means extension to the outside of the home as described in the Uniform Plumbing Code.

(2) "Manufactured home," in addition to the definition provided in RCW 43.63B.010(5) means mobile home as defined in RCW 43.63B.010(8).

(3) "Mobile or manufactured home installation" does not include installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home, and does not include the ground crossover. Installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home must be performed by a journeyman or specialty electrician as defined in chapter 19.28 RCW. Equipment does not include plug-in household appliances.

(4) "Other equivalent experience" means six months of hands-on experience installing manufactured homes under the guidance of a reputable, recognized manufactured home installer; or two years experience in residential construction.

(5) "Site" means the parcel of land designed to accommodate the dwelling and auxiliary structures.

(6) "May not," for the purposes of this chapter and as used in chapter 43.63B RCW, when used in reference to a particular act or action means the act or action is not allowed or not permitted.

(7) "Department" means the department of community, trade, and economic development.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-030, filed 3/13/03, effective 4/13/03. Statutory Authority: Chapter 43.63B RCW. 95-14-121, § 365-210-030, filed 6/30/95, effective 7/1/95.]

WAC 365-210-060 Application process. A person desiring to be certified as a manufactured home installer under RCW 43.63B.020 must first file with the department an application on a form prescribed by the department.

(1) The application must be accompanied by the application fee specified in WAC 365-210-063.

(2) The application must be completed in full and must be signed by the person applying for certification.

(3) The application must contain the full name and Social Security number of the person applying for certification. Social Security numbers are required on applications for professional licenses pursuant to RCW 26.23.150 and federal law PL 104-193, The Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(4) Any application received after the class cut-off date is subject to the late application fee specified in WAC 365-210-063. An application will be accepted at any scheduled training or certification exam provided classroom space is available and the application is accompanied by the application fee and late application fee specified in WAC 365-210-063.

(5) If the application is denied by the department as a result of the applicant's failure to meet the requirements of chapter 43.63B RCW and this chapter, the department will attempt to notify the applicant prior to the date the applicant is scheduled to attend the training and examination.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-060, filed 3/13/03, effective 4/13/03. Statutory Authority: Chapter 43.63B RCW. 95-14-121, § 365-210-060, filed 6/30/95, effective 7/1/95.]

WAC 365-210-061 Manufactured home installer—Continuing education requirements. Certified manufactured home installers must complete a minimum of four credit hours of continuing education every three years. The continuing education credit hours may be satisfied by attending classes offered by the department or classes offered by an alternative education provider approved by the department pursuant to WAC 365-210-180. All fees required by WAC 365-210-063 for continuing education classes must be paid to the department in advance.

(1) The department will offer continuing education classes every three years beginning January 2004.

Example: Continuing education classes will be offered in the years 2004, 2007, 2010, 2013, etc.

(2) Continuing education class curriculum will include statute, code, or rule changes and common installation problems.

(3) If a certified installer is unable to attend the continuing education classes offered by the department or alternative education provider, the installer may attend a regularly scheduled installer certification training course.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-061, filed 3/13/03, effective 4/13/03.]

WAC 365-210-062 Manufactured home installer recertification—Application process. A certified manufactured home installer desiring to be recertified as a manufactured home installer under RCW 43.63B.040 must first file

with the department a recertification application on a form prescribed by the department.

(1) The recertification application must be hand-delivered to the department or postmarked no later than midnight on the date of expiration of an installer's current certification.

(2) The recertification application must be accompanied by the recertification fee specified in WAC 365-210-063.

(3) If a certified installer fails to apply for recertification prior to the expiration of the installer's current certification, the installer must reapply for installer certification and meet all requirements for installer certification as set forth in chapter 43.63B RCW and this chapter.

(4) Before a new certification is issued, the certified installer must provide proof to the department that the certified installer has met the continuing education requirements set forth in this chapter.

(5) The department will attempt to notify installers prior to expiration; however, it is the installer's responsibility to ensure timely recertification.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-062, filed 3/13/03, effective 4/13/03.]

WAC 365-210-063 Fees—Refunds. The following fees are payable to the department in advance:

Training and certification	$200.00
Training only	$100.00
Late application	$20.00
Recertification	$100.00
Continuing education class	$40.00
Retake failed examination and training:	
First retake	$0.00
Subsequent retakes	$30.00
Manufactured home installer certification manual	$10.00
Installer certification tag	$7.00

(1) The department shall refund fees paid for training and certification or recertification as a manufactured home installer if the application is denied for failure of the applicant to comply with the requirements of chapter 43.63B RCW or these rules.

(2) If an applicant has paid fees to attend training or to take an examination and is unable to attend the scheduled training or examination, the applicant may:

(a) Change to another scheduled training and examination; or

(b) Request a refund.

(3) An applicant who fails the examination shall not be entitled to a refund.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-063, filed 3/13/03, effective 4/13/03.]

WAC 365-210-090 Requirement for applicable licenses and registrations. The issuance of a certificate of manufactured home installation by the department under chapter 43.63B RCW and these rules does not exempt the certified installer from compliance with any local, state, or federal requirements relative to any business or occupational licenses or registrations.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-090, filed 3/13/03, effective 4/13/03.]

WAC 365-210-100 Manufactured home on-site work and equipment installation—Manufactured home installer certification required. On-site work or equipment installation work which falls within the scope of installation as set forth in RCW 43.63B.010(6) may not be performed on a manufactured home at any time after the initial installation of a manufactured home without the supervision of a certified manufactured home installer.

On-site work and equipment installation work may not be performed until a permit for such work has been issued by the local enforcement agency. On-site work and equipment installation work must be inspected upon completion by the local enforcement agency in the same manner initial home installations are inspected.

On-site work and equipment installation work include, but are not limited to:

(1) Releveling a home such as installing all new pier blocks or footings;

(2) Complete skirting replacement;

(3) Installing earthquake resistant bracing systems; and

(4) Any other work described in RCW 43.63B.010(6).

On-site work and equipment installation work does not include routine maintenance or other routine repairs such as periodic adjustments to piers, replacement of a damaged pier, or skirting repair.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-100, filed 3/13/03, effective 4/13/03.]

WAC 365-210-110 Manufactured home installation, on-site work or equipment installation—Homeowner performing work on their own home—Exceptions. (1) The owner of a mobile or manufactured home may install or perform on-site work or equipment installation work on his or her own home without obtaining certification from the department as a certified manufactured home installer if the home is intended for use as the homeowner's primary residence.

(2) The installation, on-site work or equipment installation work must be performed in compliance with chapter 296-150M WAC, Washington installation code.

(3) If the owner of a manufactured home hires any individual or business to assist the owner in the installation, on-site work or equipment installation work, a certified installer is required to be on-site supervising such work and must meet all the requirements of this chapter.

(4) For the purposes of this chapter, an "owner" of a manufactured home does not include a manufactured home dealer, distributor, park owner or manager, or developer who installs or performs on-site work or equipment installation work on a manufactured home intended for resale or rental.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-110, filed 3/13/03, effective 4/13/03.]

WAC 365-210-120 Manufactured home installation permit and inspections—Obligation of certified installer. If a certified installer obtains the manufactured home installation or placement permit from the local enforcement agency, the certified installer shall ensure that all required installation inspections, relative to the work performed by the certified installer, are completed.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-120, filed 3/13/03, effective 4/13/03.]

WAC 365-210-130 Manufactured home installer—Responsibilities to the consumer. A certified manufactured home installer shall:

(1) Ensure all phases of the installation work performed by the installer or crew being supervised are complete and in compliance with chapter 296-150M WAC, Washington installation code;

(2) Notify the local enforcement agency upon completion of the installation work; and

(3) Correct all nonconforming aspects of the installation identified by the local enforcement agency or by an authorized representative of the department within thirty days of issuance of notice of the same.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-130, filed 3/13/03, effective 4/13/03.]

WAC 365-210-140 Manufactured home installation—Installer certification tags required. (Effective July 1, 2003.) Prior to installing, performing on-site work or equipment installation work on a manufactured home, certified manufactured home installers or the retailers by whom they are employed shall obtain an "installer certification tag" from the department or from the local enforcement agency who participates in tag sales. The installer certification tag shall be in the form approved by the department. No manufactured home may be installed by a certified installer without an installer certification tag affixed thereto. Only currently certified manufactured home installers shall be issued installer certification tags.

Homeowners performing the installation, on-site work or equipment installation work on their own manufactured home are not required to acquire and affix an installer certification tag.

(1) Installer certification tags may only be purchased by a certified manufactured home installer or by a manufactured home retailer licensed by Washington state department of licensing.

(a) The certified manufactured home installer or manufactured home retailer purchasing the installer certification tag is responsible for complying with the security, use, and reporting requirements of this chapter.

(b) Manufactured home retailers may purchase installer certification tags in bulk and issue them to certified manufactured home installers employed by the manufactured home retailer.

(2) In order to purchase installer certification tags, the certified manufactured home installer or manufactured home retailer shall submit an application to the department or local enforcement agency on a form approved by the department. The application shall be accompanied by the appropriate installer certification tag fee as set forth in WAC 365-210-063.

(3) The department or manufactured home retailer may issue a maximum of thirty certification tags to a certified manufactured home installer. A certified manufactured home installer may not have more than thirty installer certification tags issued at any one time for which the reporting requirements of this section have not been met.

(4) Installer certification tags shall not be transferred or assigned without the written approval of the department. Fees paid for installer certification tags are not refundable.

(a) If a certified manufactured home installer's certification is suspended, revoked, or expires, all unused installer certification tags assigned to the certified manufactured home installer shall be returned to the department.

(b) If a certified manufactured home installer or manufactured home retailer ceases to do business, all unused installer certification tags shall be returned to the department.

(c) If a manufactured home retailer changes ownership, unused installer certification tags may be transferred to the new ownership if the department approves the transfer following receipt of a written request for transfer from the manufactured home retailer.

(5) Issuance of installer certification tags may be denied if:

(a) The certified manufactured home installer's certification has been revoked or suspended pursuant to chapter 43.63B RCW;

(b) The certified manufactured home installer has failed to comply with the reporting requirements of this chapter;

(c) The department has evidence that the certified manufactured home installer has misused the installer certification tag by not complying with the requirements of this chapter; or

(d) The certified manufactured home installer possesses installer certification tags in excess of the quantity authorized by subsection (3) of this section for which the reporting requirements of this chapter have not been met.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-140, filed 3/13/03, effective 4/13/03.]

WAC 365-210-150 Installer certification tag—Issuance by local enforcement agency. A local enforcement agency may issue installer certification tags to certified manufactured home installer if:

(1) The local enforcement agency has entered into an agreement with the department to issue installer certification tags on a "per installation" basis; and

(2) The local enforcement agency has verified that the certified installer is qualified to purchase an installer certification tag under the requirements of this chapter; and

(3) The local enforcement agency shall file with the department a monthly report complying with the requirements of WAC 365-210-170.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-150, filed 3/13/03, effective 4/13/03.]

WAC 365-210-160 Installer certification tag—Placement—Removal. (Effective July 1, 2003.) (1) The installer

certification tag shall be placed on the home upon completion of the installation and prior to inspection by the local enforcement agency.

(2) The installer certification tags must be placed on the end of a home section directly above or below the HUD certification tag or temporarily located in plain sight within three feet of the home's front entry.

(3) The local enforcement agency may not issue final approval of a home installation until one or more installer certification tags have been affixed to the home indicating all installation work was performed by a certified manufactured home installer.

Exception: Installation work performed by a homeowner on his or her own residence does not require an installer certification tag.

(4) The installer certification tag shall be removed only by the owner of the home following final approval of the installation of the home by the local enforcement agency.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-160, filed 3/13/03, effective 4/13/03.]

WAC 365-210-170 Monthly certification tag report. (Effective July 1, 2003.) Certified manufactured home installers and manufactured home retailers who purchase installer certification tags from the department shall submit a monthly report to the department on a form approved by the department relative to all installer certification tags issued.

(1) The report is due no later than the 15th day of each month following the month of installation work being performed on a home. A certification tag report is not required for those months in which no installation work was performed.

(2) A manufactured home retailer who assigns tags to a certified manufactured home installer is responsible for ensuring completion of the monthly report. The manufactured home retailer shall file a separate report for each certified manufactured home installer to which the manufactured home retailer assigned installer certification tag(s).

(3) The installer certification tag report shall contain the following information for each installation:

(a) The installer certification tag number;

(b) The address of the installation;

(c) The date of the installation;

(d) The name and certification number of the certified manufactured home installer; and

(e) Any other information required by the department.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-170, filed 3/13/03, effective 4/13/03.]

WAC 365-210-180 Alternative education providers—Approval process and compliance. Pursuant to RCW 43.63B.035, the department may approve education providers to offer the certification training and/or continuing education required by RCW 43.63B.030, 43.63B.040 and this chapter. In order to be approved, an education provider must comply with the following requirements:

(1) The education provider must submit to the department a written proposal including the following:

(a) The education and experience of proposed instructors;

(b) A detailed description of course content and materials; and

(c) The proposed course schedule.

(2) All instructors identified by the education providers must meet the following requirements:

(a) Two years' experience in one or more of the following areas:

(i) Supervising manufactured home installation, service, or repair;

(ii) Design, engineering, or architectural work related to building construction;

(iii) Inspecting manufactured home installation or construction for a local, state, or federal agency;

(iv) Completion of a two-year educational program in a construction-related field; or

(v) A combination of any of the above to meet the two-year requirement; and

(b) Complete the department-sponsored training and pass the certification exam with a score of ninety percent or higher.

(3) The curriculum proposed by the education provider must meet or exceed the department-sponsored training curriculum.

(4) The department shall provide the education service provider written notice of approval or rejection as an alternative education service provider within sixty days of submittal of the complete proposal.

(5) All approved alternative education providers shall:

(a) Make all necessary arrangements (scheduling class dates/times and facilities) and provide all educational materials for the classes presented;

(b) Provide to the department a list of participants within ten days of each class;

(c) Provide to the participant a certificate of completion. Each certificate shall indicate:

(i) The name of participant;

(ii) The date of training;

(iii) A statement indicating the participant has completed the training as required by chapter 43.63B RCW.

(6) The alternative education provider shall notify the department in writing fourteen days prior to the scheduled class date of the date, time and location of each class. Department representatives shall be permitted to audit any class without fee.

(7) Curriculum changes must be submitted to and approved by the department prior to implementation.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-180, filed 3/13/03, effective 4/13/03.]

WAC 365-210-190 Legal action—Installer certification required. No person may file a lien against a homeowner, or bring or maintain in any court of this state a suit or action, that seeks compensation for the performance of any work requiring certification under chapter 43.63B RCW or for the breach of any contract for installation work which is subject to chapter 43.63B RCW unless:

(1) The manufactured home installer was certified under chapter 43.63B RCW at the time the installer entered into

contract for performance of the work and was certified continuously while performing the work for which compensation is sought; or

(2) The supervising manufactured home installer was the employee of the contractor or retailer seeking compensation and was certified under chapter 43.63B RCW continuously during performance of the work for which compensation is sought.

[Statutory Authority: RCW 43.63B.005, [43.63B.]020, [43.63B.]040, [43.63B.]060, [43.63B.]035, [43.63B.]090, [43.63B.]800, 43.330.040. 03-07-035, § 365-210-190, filed 3/13/03, effective 4/13/03.]

Chapter 365-212 WAC
MANUFACTURED HOUSING RELOCATION

WAC

365-212-010	What definitions apply to this chapter?
365-212-020	How do I contact the office of manufactured housing?
365-212-030	Who is eligible to receive relocation assistance?
365-212-040	What constitutes a completed application?
365-212-050	If I meet the requirements, how much assistance could I be eligible for?
365-212-060	What expenses are allowable for reimbursement?
365-212-070	What documentation must I provide as adequate proof a home cannot be relocated?
365-212-080	What documentation must I provide to be reimbursed for a down payment on another home?
365-212-090	What criteria is used to determine park-owner fraud?

WAC 365-212-010 What definitions apply to this chapter? (1) **"Department"** means the department of community, trade and economic development.

(2) **"Office of manufactured housing"** means the same as the office of mobile home affairs as described in RCW 59.22.050.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-010, filed 3/13/03, effective 4/13/03.]

WAC 365-212-020 How do I contact the office of manufactured housing? (1) You may write the office of manufactured housing at:

CTED/OCD
Office of Manufactured Housing
P.O. Box 48350
Olympia, WA 98504-8350

(2) You may call the automated services request line at:

1-800-964-0852 (within WA state)
1-360-725-2971 (Olympia area or outside WA state)

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-020, filed 3/13/03, effective 4/13/03.]

WAC 365-212-030 Who is eligible to receive relocation assistance? (1) Eligibility for relocation assistance is limited to low-income households. For purposes of this chapter, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the mobile or manufactured home is located at the time of closure.

(2) Persons who meet the low-income criteria are eligible for assistance if they:

(a) Owned their home and lived in the park at the time the notice of closure or conversion to another use was issued; and

(b) Maintained ownership of the home and either:

(i) Relocated their home; or

(ii) Disposed of a home that cannot be relocated; and

(c) Submit a completed application as set out in WAC 365-212-040.

(3) Relocation assistance shall be paid on a first-come-first-served basis.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-030, filed 3/13/03, effective 4/13/03.]

WAC 365-212-040 What constitutes a completed application? An application shall be considered complete when the applicant has submitted to the department an application on a form approved by the department together with:

(1) Income verification such as pay stubs, tax statements, documentation from a local, state or federal agency such as department of social and health services, employment security, Social Security, or any other documentation of income as determined by the department;

(2) A copy of the notice from the park owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use;

(3) A copy of the rental agreement then in force or other proof that the applicant was a tenant at the time of notice of closure;

(4) A copy of the contract for relocating the home or other proof of actual relocation expenses. Documentation must include either the date of relocation or actual dates expenses were incurred;

(5) A statement of any other assistance received;

(6) For a home that cannot be relocated, applicants must provide:

(a) Adequate proof that the home cannot be relocated pursuant to WAC 365-212-070; and

(b) For applicants seeking reimbursement for a down payment on a new home, documentation of the purchase pursuant to WAC 365-212-080.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-040, filed 3/13/03, effective 4/13/03.]

WAC 365-212-050 If I meet the requirements, how much assistance could I be eligible for? (1) Eligible applicants may be reimbursed for actual relocation expenses up to:

(a) Three thousand five hundred dollars for a single-wide; or

(b) Seven thousand dollars for a double-wide home.

(2) These maximum amounts apply to all expenses incurred to:

(a) Relocate the existing home; or

(b) Demolishing the existing home and, if applicable, pay a down payment toward another home pursuant to RCW 59.21.010(6).

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-050, filed 3/13/03, effective 4/13/03.]

WAC 365-212-060 What expenses are allowable for reimbursement? (1) The department is authorized to reim-

burse applicants for actual expenses, up to the maximum amounts, incurred in physically relocating their home. For homes that cannot be relocated, actual relocation expenses also include the costs for demolition of the existing home and the down payment toward the purchase of another home pursuant to RCW 59.21.010(6).

(2) Examples of reimbursable relocation expenses include, but are not limited to, the following:

(a) Breakdown of the home and preparation for transport. May include removing steps, decks, skirting, securing home for travel, etc.;

(b) Installation of the home at a new site. May include blocking, ERBS, plumbing, sewer connections, skirting, tie downs, utility/electrical connections, vapor barrier, site preparation, etc.;

(c) Transportation of the home to a new site or to a disposal facility, if not included in breakdown or installation costs;

(d) Awnings - relocation of existing awnings or purchase of new awnings if required by park;

(e) Hotel accommodations - if new site is not available or relocation to new site takes more than one day;

(f) Insurance - one time only for transporting home, etc., if not included in transportation fee;

(g) Mileage-personal vehicle to/from new site for set up;

(h) Nonrefundable fees - application fees, credit/screening fees;

(i) Permits - local and state;

(j) Porch/decking - when originally attached to home;

(k) Loan interest fees - when loan is for the sole purpose of relocating;

(l) Relocating internal items - such as household goods or furniture;

(m) Rental moving equipment - car, hauling equipment, trucks, etc.;

(n) Septic tanks on private land - installation and hook up;

(o) Siding replacement/repair - when damaged due to relocation;

(p) Stairs - if originally connected to home;

(q) Temporary storage for home - if new site is not available;

(r) Telephone - disconnection/reconnection costs only;

(s) Utility conversion/upgrade - when necessary in new park;

(t) Utility/electrical connections from street - when relocating onto private land; and

(u) Any other actual expenses determined by the department to be reimbursable.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-060, filed 3/13/03, effective 4/13/03.]

WAC 365-212-070 What documentation must I provide as adequate proof a home cannot be relocated? Applicants who dispose of their homes must provide:

(1) The demolition certificate from the county; and

(2) One of the following:

(a) A detailed receipt from the disposal site, landfill or other recipient of your demolished home; or

(b) Any other documentation determined by the department to constitute adequate proof.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-070, filed 3/13/03, effective 4/13/03.]

WAC 365-212-080 What documentation must I provide to be reimbursed for a down payment on another home? Applicants must provide proof of down payment expenses that includes:

(1) A copy of the purchase and sale agreement; and

(2) One of the following forms of documentation:

(a) Canceled checks to the retailer or private party that detail the transaction;

(b) A copy of the department of licensing's title-transfer form for your home;

(c) A copy of the receipt for the purchase; or

(d) Any other proof of down payment as determined by the department.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-080, filed 3/13/03, effective 4/13/03.]

WAC 365-212-090 What criteria is used to determine park-owner fraud? In order to demonstrate that a park was closed as the result of park-owner fraud, the applicant must provide a judgment or order of a court of law indicating a finding that the park was closed due to park-owner fraud.

[Statutory Authority: Chapter 59.21 RCW, RCW 43.330.040. 03-07-036, § 365-212-090, filed 3/13/03, effective 4/13/03.]

Title 374 WAC

POLLUTION LIABILITY INSURANCE AGENCY

Chapters

374-80 Heating oil tanks.

Chapter 374-80 WAC
HEATING OIL TANKS

WAC

374-80-010 Authority and purpose.
374-80-040 Procedures.
374-80-050 Reimbursement.

WAC 374-80-010 Authority and purpose. The purpose of this chapter is to establish a program for providing technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from a heating oil tank is suspected.

[Statutory Authority: Chapter 70.148 RCW. 03-06-015, § 374-80-010, filed 2/21/03, effective 3/24/03. Statutory Authority: Chapter 70.149 RCW. 97-20-094, § 374-80-010, filed 9/29/97, effective 10/30/97.]

WAC 374-80-040 Procedures. (1) The agency will provide, as resources permit, technical assistance to the owners and operators of active or abandoned heating oil tanks if contamination resulting from a release from an active or abandoned heating oil tank is suspected. Technical assistance regarding administrative requirements may include observa-

tion of testing, site assessment, as well as review of the results of reports and other appropriate review activities approved by the director.

(2) Such technical assistance will be provided only upon request by the owner of a heating oil tank. If the operator of a heating oil tank is not the owner, the operator must provide the agency with specific written authorization of the owner before technical assistance is provided, or before a site is visited by a representative of the agency.

(3) To receive technical assistance under this program, the owner or operator of an active or abandoned heating oil tank must submit an application, provided by the agency, requesting advice and assistance, and agreeing to the terms of the program.

(4) Upon receipt of a request for technical assistance, the agency will provide the tank owner or operator:

(a) Information regarding procedures for the program;

(b) An application requesting technical assistance;

(c) An agreement between the tank owner and the agency regarding the procedures and reimbursement requirements of the program.

(5) Technical assistance provided under the program may include:

(a) Observation of sampling and testing, site assessment or other appropriate assessments scheduled by the tank owner;

(b) Interpretation of the results of testing and/or assessment(s);

(c) A report from PLIA to the heating oil tank owner of the results of testing and/or assessment(s); and

(d) Other appropriate activities approved by the director.

(6) The heating oil tank owner or operator will select a service provider to perform sampling and testing, site assessment or other appropriate assessments. The tank owner or operator will enter into an agreement with the service provider regarding scope or extent of work and fees for services.

(7) Technical assistance will be provided only if sampling and testing as well as site assessment are performed in accordance with sampling, testing and assessment protocol approved by the director.

(8) The original copy of the results of all testing and site assessment activities must be forwarded to the agency for review and evaluation.

(9) Upon completion of review and evaluation, the agency will, in writing, inform the heating oil tank owner of the results of review and assessment of data. The agency report will note whether it appears there is or is not contamination present at the site. If contamination is discovered, the report will note whether or not the contamination appears to be a threat to human health and the environment. If the contamination does appear to be a threat to human health and the environment, the heating oil tank owner will be advised of the requirement for corrective action. The determination as to whether or not the contamination appears to be a threat to human health and the environment will be made in accordance with the terms and requirements of the Model Toxics Control Act (chapter 70.105D RCW) and its regulations (chapter 173-340 WAC).

[Statutory Authority: Chapter 70.148 RCW. 03-06-015, § 374-80-040, filed 2/21/03, effective 3/24/03. Statutory Authority: Chapter 70.149 RCW. 97-20-094, § 374-80-040, filed 9/29/97, effective 10/30/97.]

WAC 374-80-050 Reimbursement. (1) The agency shall collect, from the heating oil tank owner or operator requesting technical assistance, the costs incurred in providing such advice and assistance.

(2) Funds received by the agency from cost reimbursement must be deposited in the heating oil pollution liability trust account.

(3) Costs incurred that shall be covered in reimbursement may include travel costs and expenses associated with monitoring site assessment, review of reports and analyses and preparation of written opinions and conclusions. The fee for such technical assistance will be $350.00.

(4) The fee must be paid prior to the agency issuing its report of review and assessment of data.

[Statutory Authority: Chapter 70.148 RCW. 03-06-015, § 374-80-050, filed 2/21/03, effective 3/24/03. Statutory Authority: Chapter 70.149 RCW. 97-20-094, § 374-80-050, filed 9/29/97, effective 10/30/97.]

Title 388 WAC

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF

Chapters

388-01	**DSHS organization/disclosure of public records.**
388-02	**DSHS hearing rules.**
388-14A	**Division of child support rules.**
388-15	**Child protective services.**
388-25	**Child welfare services—Foster care.**
388-32	**Child welfare services to prevent out-of-home placement and achieve family reconciliation.**
388-71	**Home and community services and programs.**
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388-78A	**Boarding home licensing rules.**
388-79	**Guardianship fees for clients of the department.**
388-97	**Nursing homes.**
388-145	**Emergency respite centers.**
388-150	**Minimum licensing requirements for child day care centers.**
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